S. Hrg. 100-272

CALIFORNIA DESERT PROTECTION ACT OF 1987

HEARINGS

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 7

TO PROVIDE FOR THE PROTECTION OF THE PUBLIC LANDS IN THE CALIFORNIA DESERT

JULY 21 AND 23, 1987

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CONTENTS

Page
S. 7 3
Department of Agriculture statement 51
Hearings:
July 21, 1987 1
July 23, 1987 327

TUESDAY, JULY 21, 1987

STATEMENTS

Apfelbaum, Sharon, member, Palm Springs City Council, Palm Springs, CA 314
Braude, Marvin, member and president pro tem, Los Angeles City Council, Los Angeles, CA 179
Bright, Keith, Inyo County supervisor, Independence, CA 267
Bumpers, Hon. Dale, a U.S. Senator from the State of Arkansas 1
Cranston, Hon. Alan, a U.S. Senator from the State of California 74
Crites, Buford, member, Palm Desert City Council, Palm Desert, CA 316
Griles, J. Steven, Assistant Secretary for Land and Minerals Management, Department of the Interior, accompanied by Robert Burford, Director, Bureau of Land Management; and Edward Hastey, California State Director, Bureau of Land Management 219
Hunter, Hon. Duncan, a U.S. Representative from the State of California 153
Joyner, John, chairman, San Bernardino County Board of Supervisors, San Bernardino, CA 289
Lehman, Hon. Richard H., a U.S. Representative from the State of California 115
Levine, Hon. Mel, a U.S. Representative from the State of California 101
Lewis, Hon. Jerry, a U.S. Representative from the State of California 61
Martindale, William, mayor, Blythe, CA 283
McCandless, Hon. Al, a U.S. Representative from the State of California 130
McCarthy, Leo, Lieutenant Governor, State of California 170
Pratt, Larry, on behalf of State Senator H.L. Richardson, Sacramento, CA 266
Van Vleck, Gordon K., secretary of resources, State of California 162
Wallop, Hon. Malcolm, a U.S. Senator from the State of Wyoming 57
Wessel, Mal, councilman, Barstow City Council, Barstow, CA 322
Wilson, Hon. Pete, a U.S. Senator from the State of California 59

THURSDAY, JULY 23, 1987

STATEMENTS

Anderson, Judith A., chair, California Desert Protection League 471
Badaracco, Robert J., recreation planner, San Luis Obispo, CA 688
Barnes, Robert A., Tulare County Audubon Society, Porterville, CA 598
Brashear, Marie, executive director, California Desert Coalition 335
Burk, Peter, president, Citizens for Mojave National Park, Barstow, CA 613
Chapman, Howard N., former employee of the National Park Service, San Raphael, CA 508
Cranston, Kim, Committee for California Desert National Parks, Los Angeles, CA 328
Dewey, R. Gene, president, Unocal Molycorp Inc., Los Angeles, CA 527
Dodson, James L., Sierra Club regional vice president for southern California and Nevada 489
Duvall, Shelley, producer/actress, Los Angeles, CA, and member, Committee for California Desert National Parks 328

Page
Edmiston, Tasker L., Monterey Park, CA, accompanied by Beula Edmiston, president, Friends of the Wildlife ... 622
Emde, Don, American Coalition of Outdoor Recreation Publishers, Montrose, CA ... 645
Fairchild, Morgan, actress and member, Committee for California Desert National Parks, Los Angeles, CA ... 329
Fife, Donald, geologist, nonrenewable resource consultant, National Inholders Association ... 374
Fitzpatrick, D. Ross, president, Viceroy Resource Corp., and B & B Mining Co., Vancouver, BC ... 537
Green, Ralph E., U.S. exploration manager, Homestake Mining Co., San Francisco, CA ... 538
Hess, Dr. David M., chairman, Resource Conservation Committee, California Association of Four Wheel Drive Clubs ... 422
Hughes, Elden, chair, Angeles chapter, Sierra Club, Whittier, CA ... 633
Jessop, Stanley, president, Blythe Chamber of Commerce, Blythe, CA ... 637
Kari, W. Douglas, Esq., founder, Desert Survivors, Los Angeles, CA ... 480
Keller, Mary Beth, vice president, American Recreation Coalition ... 427
LaPre, Dr. Lawrence Franklin, consulting biologist, San Bernadino Valley Audubon Society, Riverside, CA ... 694
Lutz, Dr. Loren, chairman, Advisory Council for the California Desert District ... 443
Milanovich, Richard M., chairman of the tribal council, Agua Caliente Band of Cahuilla Indians, Palm Springs, CA, accompanied by Art Bunce, tribal attorney ... 686
Montana, Arthur, professor, University of California, Los Angeles, CA ... 563
Norris, Dr. Kenneth S., professor of natural history and environmental studies, University of California, Santa Cruz ... 452
Ortner-Kubler, Vyola, elder, Agua Caliente Indian Tribe, Palm Springs, CA, accompanied by Georgiana Ward, Agua Caliente Band Reservation; and Jim Rothschild, Andreas Cove Development Co., Cathedral City, CA ... 654
Prather, Michael, Toiyabe Chapter of the Sierra Club, Lone Pine, CA ... 697
Rasor, Robert, vice president, government relations, American Motorcyclist Association ... 649
Rouse, Glenn F., executive director, California Mining Association, Sacramento, CA ... 539
Schifferle, Patricia, California-Nevada regional director, Wilderness Society, San Francisco, CA ... 568
Smith, Eugene D., vice president, government and public affairs, U.S. Borax & Chemical Corp., accompanied by William M. Pennell, senior geologist, U.S. Borax ... 518
Smith, Genny, publisher, and former member of the BLM Advisory Committee, Palo Alto, CA ... 496
Solinsky, Christian W.H., resources director, California Chamber of Commerce, Sacramento, CA ... 662
Stebbins, Dr. Robert C., emeritus professor of zoology, University of California, Berkeley, CA ... 499
Stout, Richard J., president, Federation of Metal Detector & Archeological Clubs, Inc., Frenchtown, NJ ... 676
Strain, James L., California Federation of Mineralogical Societies, Inc ... 554
Willis, Dave, Ashland, OR ... 711
Wilson, James Wheeler and Wilson Boots, Bishop, CA ... 718
Wirth, Hon. Timothy E., a U.S. Senator from the State of Colorado ... 327

APPENDIXES

Appendix I

Responses to additional committee questions ... 723

Appendix II

Additional material submitted for the record ... 811

CALIFORNIA DESERT PROTECTION ACT OF 1987

TUESDAY, JULY 21, 1987

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:10 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Dale Bumpers, presiding.

OPENING STATEMENT OF HON. DALE BUMPERS, A U.S. SENATOR FROM THE STATE OF ARKANSAS

Senator **Bumpers**. Today the subcommittee begins consideration of S. 7, a bill that seeks to provide protection for public lands in the California desert.

The California desert stretches some 25 million acres, from the Sierra Nevada range and Death Valley in the north, to the Mexican border in the south, and includes about a quarter of the land in the State of California.

The desert area is diverse in its geology, wildlife and natural resources, including huge sand dunes, waterfalls, archaeological sites, extinct volcanoes and some 90 mountain ranges. The desert also includes over 760 species of wildlife, 700 species of flowering plants and the oldest living organism known to man, the clonal creosote rings.

The uses of the California desert are as diverse as the landscape. The area has become an increasingly popular place for recreation of all kinds. The Bureau of Land Management estimates that visitors spend over 16 million visitor days a year in the desert making it one of the most heavily used recreation areas in the country.

The desert also provides a significant share of the Nation's mineral resources, and many mineralogists feel strongly that much of the mineral potential of the California desert has yet to be discovered.

The military has also made extensive use of the desert. The Marine Corps, Air Force, Army and Navy all have facilities there.

In 1976, recognizing the unique attributes of the California desert, Congress established the 25 million acre Desert Conservation Area through the Federal Land Management Policy Act. The Congress directed the BLM to prepare a comprehensive land use plan for the management, use, development, and protection of the 12.1 million acres of public lands on the desert. With a great deal of public input, the plan was finalized in 1980.

Response to the plan has varied dramatically. Some of the public has been very supportive of the BLM's plan and feel that it meets its mandate of protecting the area's resources and providing for a wide range of uses. Others have been highly critical of the plan and maintain that the fragile desert ecosystem has not been adequately protected.

However, there is one aspect of the planning effort that few disagree upon: the magnitude of the challenge that BLM has been given in managing such a vast and diverse land base with so many different constituencies.

The measure before us today, S. 7, would establish 3 new national parks in the desert and designate some 8½ million acres of new wilderness, including 81 new wilderness areas in BLM-managed public lands. The bill makes a variety of other changes in land management authority in the California desert.

A longtime resident and rancher from the East Mojave was quoted recently in a National Geographic article on the California desert. And he said, "It doesn't take a smart man to see what's wrong, but it'll take a smart man to fix it." In that spirit we will do our very best today and Thursday to hear from as broad a spectrum of opinion as possible in hopes of responding to this proposed legislation in an informed and thoughtful manner. Today we will hear from elected California officials and the Department of the Interior, and Thursday we will hear from almost 40 public witnesses.

I would like to take this opportunity to welcome those of you who will be testifying. I know that many of you have traveled a long way to share your views with us.

At this point, I will insert copies of the proposal in the hearing record, which will remain open for two weeks to receive additional statements and materials.

[The text of S. 7 and a statement submitted for the record from the Department of Agriculture follow:]

II

100TH CONGRESS
1ST SESSION

S. 7

To provide for the protection of the public lands in the California desert.

IN THE SENATE OF THE UNITED STATES

JANUARY 6, 1987

Mr. CRANSTON introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

---

A BILL

To provide for the protection of the public lands in the California desert.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "California Desert Protection Act of 1987".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that—

(1) the federally owned desert lands of southern California constitute a public wildland resource of extraordinary and inestimable value for this and future generations;

(2) these desert wildlands display unique scenic, historical, archeological, environmental, ecological, wildlife, cultural, scientific, educational, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study and scenic appreciation;

(3) the public land resources of the California desert now face and are increasingly threatened by adverse pressures which would impair, dilute, and destroy their public and natural values;

(4) the California desert, embracing wilderness lands, units of the National Park System, other Federal lands, State parks and other State lands, and private lands, constitutes a cohesive unit posing unique and difficult resource protection and management challenges;

(5) through designation of national monuments by Presidential proclamation, through enactment of general public land statutes (including section 601 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 43 U.S.C. 1701 et seq.) and through interim administrative actions, the Federal Government has begun the process of appropriately providing for protection of the significant resources of the public lands in the California desert; and

(6) statutory land unit designations are needed to afford the full protection which the resources and public land values of the California desert merit.

(b) In order to secure for the American people of this and future generations an enduring heritage of wilderness, national parks, and public land values in the California desert, it is hereby declared to be the policy of the Congress that—

(1) appropriate public lands in the California desert shall be included within the National Park System and the National Wilderness Preservation System, in order to—

(A) preserve unrivaled scenic, geologic, and wildlife values associated with these unique natural landscapes;

(B) perpetuate in their natural state significant and diverse ecosystems of the California desert;

(C) protect and preserve historical and cultural values of the California desert associated with ancient Indian cultures, patterns of western exploration and settlement, and sites exemplifying the mining, ranching and railroading history of the Old West;

(D) provide opportunities for compatible outdoor public recreation, protect and interpret ecological and geological features, and historic, paleontological, and archeological sites, maintain wilderness resource values, and promote public understanding and appreciation of the California desert; and

(E) retain and enhance opportunities for scientific research in undisturbed ecosystems.

TITLE I—WILDERNESS ADDITIONS

FINDINGS

SEC. 101. The Congress finds and declares that—

(1) wilderness is a distinguishing characteristic of the public lands in the California desert, one which affords an unrivaled opportunity for experiencing vast areas of the Old West essentially unaltered by man's activities, and which merits preservation for the benefit of present and future generations;

(2) the wilderness values of desert lands are increasingly threatened by and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development; and

(3) preservation of desert wilderness necessarily requires the highest forms of protective designation and management.

DESIGNATION OF WILDERNESS

SEC. 102. In furtherance of the purposes of the Wilderness Act of 1964 (78 Stat. 890, 16 U.S.C. 1131 et seq.), and sections 601 and 603 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2743, 43 U.S.C. 1701 et seq.), the following lands in the State of California, as generally depicted on maps, appropriately referenced, dated February 1986 (except as otherwise dated), are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(1) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-seven thousand three hundred and eighty acres, as generally depicted on a map entitled "Argus Range Wilderness—Proposed", and which shall be known as the Argus Range Wilderness;

(2) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-one thousand three hundred and twenty acres, as generally depicted on a map entitled "Avawatz Mountains Wilderness—Pro-

posed", and which shall be known as the Avawatz Mountains Wilderness;

(3) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand eight hundred and seventy acres, as generally depicted on a map entitled "Bigelow Cholla Garden Wilderness—Proposed", and which shall be known as the Bigelow Cholla Garden Wilderness;

(4) certain lands in the California Desert Conservation Area, of the Bureau of Land Management and within the San Bernardino National Forest, which comprise approximately thirty-three thousand eight hundred acres, as generally depicted on a map entitled "Bighorn Mountain Wilderness—Proposed", and which shall be known as the Bighorn Mountain Wilderness;

(5) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-seven thousand five hundred and seventy acres, as generally depicted on a map entitled "Big Maria Mountains Wilderness—Proposed", and which shall be known as the Big Maria Mountains Wilderness;

(6) certain lands in the California Desert Conservation Area, of the Bureau of Land Management,

which comprise thirteen thousand nine hundered and forty acres, as generally depicted on a map entitled "Black Mountain Wilderness—Proposed", and which shall be known as the Black Mountain Wilderness;

(7) certain land in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand two hundred acres, as generally depicted on a map entitled "Blackwater Well Wilderness—Proposed", and which shall be known as the Blackwater Well Wilderness;

(8) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand five hundred and twenty acres, as generally depicted on a map entitled "Bright Star Wilderness—Proposed", and which shall be known as the Bright Star Wilderness;

(9) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-two thousand six hundred and forty acres, as generally depicted on a map entitled "Cadiz Dunes Wilderness—Proposed", and which shall be known as the Cadiz Dunes Wilderness;

(10) certain lands in the California Desert Conservation Area, of the Bureau of Land Management,

which comprise approximately eighty-five thousand nine hundred and seventy acres, as generally depicted on a map entitled "Cady Mountains Wilderness—Proposed", and which shall be known as the Cady Mountains Wilderness;

(11) certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Carrizo Gorge Wilderness—Proposed", and which shall be known as the Carrizo Gorge Wilderness;

(12) certain lands in the California Desert Conservation Area and Yuma District, of the Bureau of Land Management and within the Havasu National Wildlife Refuge, which comprise approximately sixty-eight thousand three hundred acres, as generally depicted on a map entitled "Chemehuevi Mountains Wilderness—Proposed", and which shall be known as the Chemehuevi Mountains Wilderness;

(13) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifteen thousand seven hundred acres, as generally depicted on a map entitled "Chimney Peak Wilderness—Proposed", and which shall be known as the Chimney Peak Wilderness;

(14) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and sixty-five thousand two hundred acres, as generally depicted on a map entitled "Chuckwalla Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Chuckwalla Mountains Wilderness;

(15) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise fifty thousand six hundred and sixty acres, as generally depicted on a map entitled "Cleghorn Lakes Wilderness—Proposed", and which shall be known as the Cleghorn Lakes Wilderness: *Provided,* That the Secretary of Interior may pursuant to an application filed by the Department of Defense, grant a right-of-way for, and authorize construction of, a road within the area depicted as "non-wilderness road corridor" on the map entitled "Cleghorn Lakes Wilderness—Proposed";

(16) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Clipper Moun-

tains Wilderness—Proposed", and which shall be known as Clipper Mountains Wilderness;

(17) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Coso Range Wilderness—Proposed", and which shall be known as Coso Range Wilderness;

(18) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighteen thousand six hundred acres, as generally depicted on a map entitled "Coyote Mountains Wilderness—Proposed", and which shall be known as the Coyote Mountains Wilderness;

(19) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand six hundred and forty acres, as generally depicted on a map entitled "Darwin Falls Wilderness—Proposed", and which shall be known as the Darwin Falls Wilderness;

(20) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately forty-nine thousand six hundred and eighty acres, as generally depicted on a map entitled "Dead Mountains

Wilderness—Proposed", and which shall be known as the Dead Mountains Wilderness;

(21) certain lands in the Bakersfield District, of the Bureau of Land Management, which comprise approximately thirty-six thousand three hundred acres, as generally depicted on a map entitled "Domelands Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Domeland Wilderness as designated by Public Laws 93-632 and 98-425;

(22) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand one hundred acres, as generally depicted on a map entitled "El Paso Mountains Wilderness—Proposed", and which shall be known as the El Paso Mountains Wilderness;

(23) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand one hundred acres, as generally depicted on a map entitled "Fish Creek Mountains Wilderness—Proposed", and which shall be known as the Fish Creek Mountains Wilderness;

(24) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand two hundred and forty acres, as generally depicted on a map entited "Frog Creek Wilderness—Proposed", and which shall be known as the Frog Creek Wilderness;

(25) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-four thousand five hundred and ten acres, as generally depicted on a map entitled "Funeral Mountains Wilderness—Proposed", and which shall be known as the Funeral Mountains Wilderness;

(26) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-seven thousand seven hundred acres, as generally depicted on a map entitled "Golden Valley Wilderness—Proposed", and which shall be known as the Golden Valley Wilderness;

(27) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy thousand two hundred and forty acres, as generally depicted on a map entitled "Granite Mountains Wilderness—Pro-

posed", dated January 1987, and which shall be known as the Granite Mountains Wilderness;

(28) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand seven hundred and twenty acres, as generally depicted on a map entitled "Grass Valley Wilderness—Proposed", and which shall be known as the Grass Valley Wilderness;

(29) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eight thousand eight hundred acres, as generally depicted on a map entitled "Great Falls Basin Wilderness—Proposed", and which shall be known as the Great Falls Basin Wilderness;

(30) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-nine thousand seven hundred and forty acres, as generally depicted on a map entitled "Hollow Hills Wilderness—Proposed", dated January 1987, and which shall be known as the Hollow Hills Wilderness;

(31) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-eight thousand

two hunderd and sixty acres, as generally depicted on a map entitled "Ibex Wilderness—Proposed", and which shall be known as the Ibex Wilderness;

(32) certain lands in the California Desert Conservation Area, of the Bureau of Land Management and the Imperial National Wildlife Refuge, which comprise approximately thirty-nine thousand one hundred and twenty acres, as generally depicted on a map entitled "Indian Pass Wilderness—Proposed", and which shall be known as the Indian Pass Wilderness;

(33) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management and within the Inyo National Forest, which comprise approximately two hunderd and ten thousand six hundred and sixty acres, as generally depicted on a map entitled "Inyo Mountains Wilderness—Proposed", and which shall be known as the Inyo Mountains Wilderness;

(34) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-five thousand one hundred and sixty acres, as generally depicted on a map entitled "Jacumba Wilderness—Proposed", and which shall be known as the Jacumba Wilderness;

(35) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and twenty-nine thousand eight hundred and twenty acres, as generally depicted on a map entitled "Kelso Dunes Wilderness—Proposed", and which shall be known as the Kelso Dunes Wilderness;

(36) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, and the Sequoia National Forest, which comprise approximately eighty-eight thousand two hundred and eighty acres, as generally depicted on a map entitled "Kiavah Wilderness—Proposed", and which shall be known as the Kiavah Wilderness;

(37) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred and fifty-five thousand two hundred and ninety acres, as generally depicted on a map entitled "Kingston Range Wilderness—Proposed", and which shall be known as the Kingston Range Wilderness;

(38) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-nine thousand four hundred and eighty acres, as generally depicted on a

map entitled "Little Chuckwalla Mountains Wilderness—Proposed", and which shall be known as the Little Chuckwalla Mountains Wilderness;

(39) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, and within the Imperial National Wildlife Refuge, which comprise approximately thirty-nine thousand eight hundred and sixty acres, as generally depicted on a map entitled "Little Picacho Wilderness—Proposed", and which shall be known as the Little Picacho Wilderness;

(40) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand two hundred and forty acres, as generally depicted on a map entitled "Malpais Mesa Wilderness—Proposed", and which shall be known as the Malpais Mesa Wilderness;

(41) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-seven thousand one hundred acres, as generally depicted on a map entitled "Manly Peak Wilderness—Proposed", and which shall be known as the Manly Peak Wilderness;

(42) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand seven hundred and twenty acres, as generally depicted on a map entitled "Mecca Hills Wilderness—Proposed", and which shall be known as the Mecca Hills Wilderness;

(43) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-four thousand nine hundred acres, as generally depicted on a map entitled "Mesquite Wilderness—Proposed", and which shall be known as the Mesquite Wilderness;

(44) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eleven thousand three hundred acres, as generally depicted on a map entitled "Middle Park Canyon Wilderness—Proposed" and which shall be known as the Middle Park Canyon Wilderness;

(45) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-two thousand nine hundred acres, as generally depicted on a map entitled "Newberry Mountains Wilderness—Proposed",

and which shall be known as the Newberry Mountains Wilderness;

(46) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and ten thousand eight hundred and eighty acres, as generally depicted on a map entitled "Nopah Range Wilderness—Proposed", and which shall be known as the Nopah Range Wilderness;

(47) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-one thousand and forty acres, as generally depicted on a map entitled "North Algodones Dunes Wilderness—Proposed", dated January 1987, and which shall be known as the North Algodones Dunes Wilderness;

(48) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ten thousand acres, as generally depicted on a map entitled "North Coso Range Wilderness—Proposed", and which shall be known as the North Coso Range Wilderness;

(49) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand

eight hundred and forty acres, as generally depicted on a map entitled "North Mesquite Mountains Wilderness—Proposed", and which shall be known as the North Mesquite Mountains Wilderness;

(50) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and forty-six thousand one hundred and ten acres, as generally depicted on a map entitled "Old Woman Mountains Wilderness—Proposed", and which shall be known as the Old Woman Mountains Wilderness;

(51) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-seven thousand five hundred acres, as generally depicted on a map entitled "Orocopia Mountains Wilderness—Proposed", and which shall be known as the Orocopia Mountains Wilderness;

(52) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-five thousand six hundred and forty acres, as generally depicted on a map entitled "Owens Peak Wilderness—Proposed", and which shall be known as the Owens Peak Wilderness;

(53) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred acres, as generally depicted on a map entitled "Pahrump Valley Wilderness—Proposed", and which shall be known as the Pahrump Valley Wilderness;

(54) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately two hundred and fourteen thousand four hundred and twenty acres, as generally depicted on a map entitled "Palen/McCoy Wilderness—Proposed", and which shall be known as the Palen/McCoy Wilderness;

(55) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-two thousand three hundred and twenty acres, as generally depicted on a map entitled "Palo Verde Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Palo Verde Mountains Wilderness;

(56) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seven thousand three

hundred acres, as generally depicted on a map entitled "Picacho Peak Wilderness—Proposed", and which shall be known as the Picacho Peak Wilderness;

(57) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-one thousand six hundred and eighty acres, as generally depicted on a map entitled "Pinto Mountains Wilderness—Proposed", and which shall be known as the Pinto Mountains Wilderness;

(58) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy-four thousand eight hundred and forty acres, as generally depicted on a map entitled "Piper Mountain Wilderness—Proposed", and which shall be known as Piper Mountain Wilderness;

(59) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-nine thousand and forty acres, as generally depicted on a map entitled "Piute Mountains Wilderness—Proposed", and which shall be known as Piute Mountains Wilderness;

(60) certain lands in the California Desert Conservation Area, of the Bureau of Land Management,

which comprise approximately seventy-eight thousand eight hundred and eighty acres, as generally depicted on a map entitled "Resting Spring Range Wilderness—Proposed", and which shall be known as the Resting Spring Range Wilderness;

(61) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty thousand eight hundred and twenty acres, as generally depicted on a map entitled "Rice Valley Wilderness—Proposed", and which shall be known as the Rice Valley Wilderness;

(62) certain lands the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately twenty-four thousand one hundred acres, as generally depicted on a map entitled "Riverside Mountains Wilderness—Proposed", and which shall be known as the Riverside Mountains Wilderness;

(63) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty thousand one hundred acres, as generally depicted on a map entitled "Rodman Mountains Wilderness—Proposed", and

which shall be known as the Rodman Mountains Wilderness,

(64) certain lands in the California Desert Conservation Area and the Bakersfield District, of the Bureau of Land Management, which comprise approximately fifty-two thousand six hundred acres, as generally depicted on a map entitled "Sacatar Trail Wilderness—Proposed", dated January 1987, and which shall be known as the Sacatar Trail Wilderness;

(65) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fourteen thousand eight hundred acres, as generally depicted on a map entitled "Saddle Peak Hills Wilderness—Proposed", and which shall be known as the Saddle Peak Hills Wilderness;

(66) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand five hundred acres, as generally depicted on a map entitled "San Gorgonio Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the San Gorgonio Wilderness as designated by Public Laws 88–577 and 98–425;

(67) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately fifty-three thousand two hundred and forty acres, as generally depicted on a map entitled "Santa Rosa Wilderness Additions—Proposed", and which are hereby incorporated in, and which shall be deemed to be a part of the Santa Rosa Wilderness designated by Public Law 98–425;

(68) certain lands in the California Desert District, of the Bureau of Land Management, which comprise approximately thirty-five thousand four hundred acres, as generally depicted on a map entitled "Sawtooth Mountains Wilderness—Proposed", and which shall be known as the Sawtooth Mountains Wilderness;

(69) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and seventy-seven thousand acres, as generally depicted on a map entitled "Sheephole Valley Wilderness—Proposed", and which shall be known as the Sheephole Valley Wilderness;

(70) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventy thousand three hundred and forty acres, as generally depicted on a

map entitled "Slate Range Wilderness—Proposed", and which shall be known as the Slate Range Wilderness;

(71) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately ninety-two thousand six hundred and ninety acres, as generally depicted on a map entitled "Soda Mountains Wilderness—Proposed", dated January 1987, and which shall be known as the Soda Mountains Wilderness;

(72) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixty-one thousand nine hundred and fifty acres, as generally depicted on a map entitled "South Algodones Dunes Wilderness—Proposed", and which shall be known as the South Algodones Dunes Wilderness;

(73) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately twenty-six thousand six hundred and fifty acres, as generally depicted on a map entitled "South Avawatz Mountains Wilderness—Proposed", and which shall be known as the South Avawatz Mountains Wilderness;

(74) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately sixteen thousand seven hundred and eighty acres, as generally depicted on a map entitled "South Nopah Range Wilderness—Proposed", and which shall be known as the South Nopah Range Wilderness;

(75) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately nine thousand acres, as generally depicted on a map entitled "Stateline Wilderness—Proposed", and which shall be known as the Stateline Wilderness;

(76) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately eighty-one thousand six hundred acres, as generally depicted on a map entitled "Stepladder Mountains Wilderness—Proposed", and which shall be known as the Stepladder Mountains Wilderness;

(77) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-seven thousand six hundred and forty acres, as generally depicted on a map entitled "Surprise Canyon Wilderness—Pro-

posed", and which shall be known as the Surprise Canyon Wilderness;

(78) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately seventeen thousand eight hundred and twenty acres, as generally depicted on a map entitled "Sylvania Mountains Wilderness—Proposed", and which shall be known as the Sylvania Mountains Wilderness;

(79) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately thirty-three thousand seven hundred and twenty acres, as generally depicted on a map entitled "Trilobite Wilderness—Proposed", and which shall be known as the Trilobite Wilderness;

(80) certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately one hundred and forty-four thousand five hundred acres, as generally depicted on a map entitled "Turtle Mountains Wilderness—Proposed", and which shall be known as the Turtle Mountains Wilderness; and

(81) certain lands in the California Desert Conservation Area and the Yuma District, of the Bureau of Land Management, which comprise approximately sev-

enty-five thousand five hundred acres, as generally depicted on a map entitled "Whipple Mountains Wilderness—Proposed", and which shall be known as the Whipple Mountain Wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 103. Subject to valid existing rights, each wilderness area designated under this title shall be administered by the appropriate Secretary in accordance with the provisions of the Wilderness Act: *Provided,* That any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area.

FILING OF MAPS AND DESCRIPTIONS

SEC. 104. As soon as practicable after enactment of this title, a map and a legal description on each wilderness area designated under this title shall be filed by the Secretary concerned with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this title: *Provided,* That correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, Department of the Interior, or the Chief of the Forest Service, Department of Agriculture, as is appropriate.

WILDERNESS REVIEW

SEC. 105. The Congress hereby finds and directs that lands in the California Desert Conservation Area, of the Bureau of Land Management not designated as wilderness by this Act have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act (90 Stat. 2743, 43 U.S.C. 1701 et seq.), and are no longer subject to the requirement of section 603(c) of the Federal Land Policy and Management Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

DESIGNATION OF WILDERNESS STUDY AREA

SEC. 106. (a) In furtherance of the purposes of the Wilderness Act, the Secretary of Agriculture shall, before completion of the Inyo National Forest Land Resources and Management Plan, review certain lands in the California Desert Conservation Area, of the Bureau of Land Management, which comprise approximately forty-three thousand seven hundred acres, as generally depicted on a map entitled "White Mountains Wilderness Study Area—Proposed", dated February 1986, to determine their suitability or nonsuitability for preservation as wilderness and shall submit his recommendation to the President.

(b) The wilderness study area designated by subsection (a) shall be administered by the Secretary of the Interior in accordance with the provisions of section 603(c) of the Federal Land Policy and Management Act.

TITLE II—DEATH VALLEY NATIONAL PARK

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) proclamations by Presidents Herbert Hoover in 1933 and Franklin Roosevelt in 1937 established and expanded the Death Valley National Monument for the preservation of the unusual features of scenic, scientific, and educational interest therein contained;

(2) Death Valley National Monument is today recognized as major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries established in the 1930's exclude and thereby expose to incompatible development and inconsistent management, contiguous federal lands of essential and superlative natural, ecological, geological, archeological, paleontological, cultural, historical and wilderness values;

(4) Death Valley National Monument should be substantially enlarged by the addition of all contiguous federal lands of national park caliber, and afforded full recognition and statutory protection as a national park; and

(5) the wilderness within Death Valley should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF DEATH VALLEY NATIONAL PARK

SEC. 202. There is hereby established the Death Valley National Park, as generally depicted on a map entitled "Death Valley National Park", dated February 1986, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Death Valley National Monument is hereby abolished as such, and the lands and interests therein are hereby incorporated within and made part of the new Death Valley National Park.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 203. Upon enactment of this title, the Secretary of the Interior shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 202 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service for administration as part of the National Park

System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The areas added to the National Park System by this title shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

MAPS AND LEGAL DESCRIPTION

SEC. 204. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated under this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 202. The legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

SEC. 205. Subject to valid existing rights, the Federal lands and interests therein added to the Park System by this title are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 206. The Secretary shall not approve any plan of operation prior to determining the validity of any unpatented mining claims within the additions to the Park System and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE III—JOSHUA TREE NATIONAL PARK

FINDINGS

SEC. 301. The Congress hereby finds that—

(1) a proclamation by President Franklin Roosevelt in 1936 established Joshua Tree National Monument to protect various objects of historical and scientific interest;

(2) Joshua Tree National Monument today is recognized as a major unit of the National Park System, having extraordinary values enjoyed by millions of visitors;

(3) the Monument boundaries as modified in 1950 and 1961 exclude and thereby expose to incompatible development and inconsistent management, contiguous Federal lands of essential and superlative natural, eco-

logical, archeological, paleontological, cultural, historical and wilderness values;

(4) Joshua Tree National Monument should be enlarged by the addition of contiguous Federal lands of National Park caliber, and afforded full recognition and statutory protection as a National Park; and

(5) the non-designated wilderness within Joshua Tree should receive maximum statutory protection by designation pursuant to the Wilderness Act.

ESTABLISHMENT OF JOSHUA TREE NATIONAL PARK

SEC. 302. There is hereby established the Joshua Tree National Park, as generally depicted on a map entitled "Joshua Tree National Park", dated February 1986, which shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior. The Joshua Tree National Monument is hereby abolished as such, and the lands and interests therein are hereby incorporated within and made part of the new Joshua Tree National Monument.

TRANSFER AND ADMINISTRATION OF LANDS

SEC. 303. Upon enactment of this title, the Secretary of the Interior shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 302 of this title, without consideration, to the administrative jurisdiction of the Director of the National

Park Service for administration as part of the National Park System. The boundaries of the public lands and the national parks shall be adjusted accordingly. The areas added to the National Park System by this title shall be administered in accordance with the provisions of law generally applicable to units of the National Park System.

MAPS AND LEGAL DESCRIPTION

SEC. 304. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated by this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 302. The legal description shall be on file and available for public inspection in the offices of the Superintendent of the Park and the Director of the National Park Service, Department of the Interior.

DISPOSITION UNDER MINING LAWS

SEC. 305. Subject to valid existing rights, Federal lands and interests therein added to the Park System by this title are withdrawn from disposition under the public lands laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from the operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 306. The Secretary shall not approve any plan of operation prior to determining the validity of any unpatented mining claims within the park and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

TITLE IV—MOJAVE NATIONAL PARK

FINDINGS

SEC. 401. The Congress hereby finds that—

(1) Death Valley and Joshua Tree National Parks, as established by this Act, protect unique and superlative desert resources, but do not embrace the particular ecosystems and transitional desert type found in the Mojave Desert area lying between them on public lands now afforded only impermanent administrative designation as a national scenic area;

(2) the Mojave Desert area possesses outstanding natural, cultural, historical, and recreational values meriting statutory designation and recognition as a unit of the National Park System;

(3) the Mojave Desert area should be afforded full recognition and statutory protection as a National Park; and

(4) the wilderness within the Mojave Desert should receive maximum statutory protection by designation pursuant to the wilderness Act.

ESTABLISHMENT OF THE MOJAVE NATIONAL PARK

SEC. 402. There is hereby established the Mojave National Park, comprising approximately one million five hundred thousand acres, as generally depicted on a map entitled "Mojave National Park", dated February 1986, which shall be on file and available for inspection in the offices of the Director of the National Park Service, Department of the Interior.

TRANSFER OF LANDS

SEC. 403. Upon enactment of this title, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall transfer the lands under the jurisdiction of the Bureau of Land Management depicted on the map described in section 402 of this title, without consideration, to the administrative jurisdiction of the Director of the National Park Service. The boundaries of the public lands shall be adjusted accordingly.

MAPS AND LEGAL DESCRIPTION

SEC. 404. Within six months after the enactment of this title, the Secretary shall file a legal description of the park designated under this title with the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives. Such legal description shall have the same force and effect as if included in this title, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in section 402. The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

ABOLISHMENT OF SCENIC AREA

SEC. 405. The East Mojave National Scenic Area, designated on January 13, 1981 (46 FR 3994) and modified on August 9, 1983 (48 FR 36210), is hereby abolished.

ADMINISTRATION OF LANDS

SEC. 406. The Secretary shall administer the park in accordance with this title and with the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4).

DISPOSITION UNDER MINING LAWS

SEC. 407. Subject to valid existing rights, Federal lands within the park, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

STUDY AS TO VALIDITY OF MINING CLAIMS

SEC. 408. The Secretary shall not approve any plan of operation prior to determining the validity of any unpatented mining claims within the park and submit to Congress recommendations as to whether any valid or patented claims should be acquired by the United States, including the estimated acquisition costs of such claims, and a discussion of the environmental consequences of the extraction of minerals from these lands.

REGULATION OF MINING

SEC. 409. Subject to valid existing rights, all mining claims located within the park shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with the protection of the scenic, scientific, cultural and other resources of the part, and any patent which may be issued after the date of enactment of this title shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations.

GRAZING RIGHTS

SEC. 410. The Secretary shall permit those persons holding currently valid grazing permits within the boundary of the park to continue to exercise such permits consistent with other applicable law: *Provided, however*, That upon expiration of the current term of such permits, the permits shall not be renewed.

RIGHTS-OF-WAY

SEC. 411. Nothing in this title shall have the effect of terminating and validly issued right-of-way or right-of-use issued, granted, or permitted for—

(a) systems for transmission or distribution of electric energy,

(b) pipelines for the transmission or distribution of natural gas or oil, and

(c) communication cables or lines within any utility corridor designated as of January 1, 1987.

PREPARATION OF MANAGEMENT PLAN

SEC. 412. Within three years of the date of enactment of this title, the Secertary shall submit to the Energy and Natural Resources Committee of the United States Senate and the Interior and Insular Affairs Committee of the House of Representatives a detailed and comprehensive management plan for the park. Such plan shall place emphasis on historical and cultural sites and ecological and wilderness values within the boundaries of the park and shall evaluate the feasibility of using the Kelso Depot and existing railroad corridor to provide public access to and a facility for special interpretive, educational and scientific programs within the park.

CONSTRUCTION OF VISITOR CENTER

SEC. 413. The Secretary is authorized to construct a visitor center in the park for the purpose of providing information through appropriate displays, printed material, and other interpretive programs, about the resources of the park.

ACQUISITION OF LANDS

SEC. 414. The Secretary is authorized to acquire all lands and interest in lands within the boundary of the park by donation, purchase, or exchange, except that—

(1) any lands or interests therein within the boundary of the park which are owned by the State of California, or any political subdivision thereof, may be acquired only by donation or exchange; and

(2) lands of interests therein within the boundary of the park which are not owned by the State of California or any political subdivision thereof may be acquired only with the consent of the owner thereof unless the Secertary detrmines, after written notice to the owner and after opportunity for comment, that the property is being developed, or proposed to be developed, in a manner which is detrimental to the integrity of the park or which is otherwise incompatible with the purposes of this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 415. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE V—NATIONAL PARK WILDERNESS

DESIGNATION OF WILDERNESS

SEC. 501. The following lands are hereby designated as wilderness in accordance with section (3) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c)) and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act.

(1) Death Valley National Park Wilderness, comprising approximately three million one hundred and fifty-nine thousand seven hundred and twenty acres, and potential wilderness additions comprising approximately twenty thousand four hundred acres, as generally depicted on a map entitled "Death Valley National Park Wilderness—Proposed", dated January 1987, and which shall be known as the Death Valley Wilderness;

(2) Joshua Tree National Park Wilderness Additions, comprising approximately one hundred and thirty-three thousand five hundred acres, as generally depicted on a map entitled "Joshua Tree National Park Wilderness Additions—Proposed", dated Febru-

ary 1986, and which are hereby incorporated in, and which shall be deemed to be a part of the Joshua Tree Wilderness as designated by Public Law 94-567; and

(3) Mojave National Park Wilderness, comprising approximately seven hundred and forty-seven thousand nine hundred and forty acres, as generally depicted on a map entitled "Mojave National Park Wilderness—Proposed", dated February 1986, and which shall be known as the Mojave Wilderness.

FILING OF MAPS AND DESCRIPTIONS

SEC. 502. A map and description of the boundaries of the areas designated in section 501 of this title shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, and in the Office of the Superintendent of each area designated in section 501. As soon as practicable after this title takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this title: *Provided,* That correction of clerical and typographical errors in such maps and descriptions may be made.

CESSATION OF CERTAIN USES

SEC. 503. Any lands (in section 501 of this title) which represent potential wilderness additions upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness. Lands designated as potential wilderness additions shall be managed by the Secretary of the Interior insofar as practicable as wilderness until such time as said lands are designated wilderness.

ADMINISTRATION OF WILDERNESS AREAS

SEC. 504. The areas designated by section 501 of this title as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that title as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this title, and where appropriate, and reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

TITLE VI—MISCELLANEOUS PROVISIONS

TRANSFER OF LANDS TO RED ROCK CANYON STATE PARK

SEC. 601. Upon enactment of this title, the Secretary of the Interior shall transfer to the State of California certain lands within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately twenty thousand five hundred acres, as generally depicted on a map entitled "Red Rock Canyon State Park Additions", dated February 1986, for inclusion in the State of California Park System. Should the State of California cease to manage these lands as part of the State park system, ownership of the lands shall revert to the Department of the Interior to be managed as part of the California Desert Conservation Area to provide maximum protection for the area's scenic and scientific values.

DESERT LILY SANCTUARY

SEC. 602. (a) There is hereby established the Desert Lily Santuary within the California Desert Conservation Area, California, of the Bureau of Land Management, comprising approximately two thousand and forty acres, as generally depicted on a map entitled "Desert Lily Sanctuary", dated February 1986. The Secretary of the Interior shall administer the area to provide maximum protection to the desert lily.

(b) Subject to valid existing rights, Federal lands within the sanctuary, and interests therein, are withdrawn from disposition under the public land laws and from entry or appropriation under the mining laws of the United States, from the operation of the mineral leasing laws of the United States, and from operation of the Geothermal Steam Act of 1970.

INDIAN CANYONS NATIONAL HISTORIC SITE

SEC. 603. (a) There is hereby established the Indian Canyons National Historic Site, comprising approximately four hundred and ninty acres, as generally depicted on a map entitled "Indian Canyons National Historic Site", dated February 1986.

(b) Upon enactment of this title, the Secretary of the Interior shall enter into negotiations to acquire by exchange the privately owned lands or interests therein within the national historic site designated by subsection (a). The value of the properties so exchanged either shall be equal or, if they are not equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The Secretary shall enter into a cooperative management agreement with the Agua Caliente Band of Cahuilla Indians for the purposes of managing the Indian Canyons National Historic Site. Upon execution of the management agreement, the Secretary shall transfer title of the land to be held in trust for the Agua Caliente Band of Cahuilla Indians as part of the Agua Caliente Indian Reservation and such transfer shall remain effective so long as the agreement remains in force and in effect.

LAND TENURE ADJUSTMENTS

SEC. 604. In preparing land tenure adjustment decisions within the California Desert Conservation Area, of the Bureau of Land Management, the Secretary shall give priority to consolidating Federal ownership within the national park units and wilderness areas designated by this Act.

LAND EXCHANGES WITH THE STATE OF CALIFORNIA

SEC. 605. (a) The Secretary of the Interior shall exchange such public lands or interests in lands, as are of approximately equal value and selected by the State of California, acting through the State Lands Commission, for any State lands or interests therein located within the boundaries of the wilderness or the parks.

(b) Within six months from the date of enactment of this Act, the Secretary of the Interior shall notify the Chairman of the State Lands Commission what State lands or interests therein are within the wilderness areas or National Park units designated by this Act. The notice shall include notice of the Secretary's duty to exchange public lands selected by the State for any State land contained within the boundaries of the wilderness areas or National Park units. The notice shall contain a listing of all public lands within the boundaries of the State, which have not been withdrawn from entry and which have not been withdrawn from entry and which the Secretary identifies as available to the State in exchange for

State lands within the wilderness areas or National Park units.

(c) After the receipt of the list of available public lands, if the chairman of the State Lands Commission gives notice to the Secretary of the State's selection of lands, the Secretary shall notify the chairman in writing as to whether the Department of the Interior considers the State and Federal lands to be of approximately equal value. In the case of disagreement between the Secretary and the chairman as to relative value of the acquired and selected lands, the Secretary and the chairman shall agree on the appointment of a disinterested independent appraiser who will review valuation data presented by both parties and determine the amount of selected land which best represents approximate equal value. Such determination will be binding on the Secretary and the State Lands Commission. The transfer of title to lands or interests therein to the State of California shall be completed within two years from the date of enactment of this Act.

STATEMENT OF
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United State Senate

Concerning S. 7, the "California Desert Protection Act of 1987"

July 21, 1987

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity for the Department of Agriculture, to provide a statement regarding S. 7, the "California Desert Protection Act of 1987."

The Department of Agriculture strongly recommends that S. 7 not be enacted.

S. 7 would designate 84 areas as components of the National Wilderness Preservation System. Only six of these areas involve or affect National Forest System lands. Three new wilderness areas would be established from Bureau of Land Management (BLM) and National Forest System lands. In addition, three BLM areas would be incorporated into and become part of three existing National Forest wilderness areas. The bill also would direct the Secretary of Agriculture to study an area presently administered by the BLM to determine its suitability or nonsuitability for inclusion into the National Wilderness Preservation System. Other provisions of S. 7 would not affect the Department of Agriculture.

California is a State with tremendous ecological diversity. Much of this diversity is represented on public lands, including over 20 million acres of National Forest System lands. Public lands, whether local, state, or federal, are frequently the subject of debate about how they can best be managed and used. Such is the case with the federal lands in the southern California desert region.

The desert is a unique resource. It provides habitat for numerous species of plants and animals. It has significant value in terms of mineral, gas, and oil resources. It provides a broad spectrum and diversity of recreation opportunities and experiences for millions of people each year, including those seeking solitude and those who recreate with motorcycles and four-wheel-drive vehicles.

Under the National Forest land management planning process, the Forest Service has been examining a wide range of alternative uses for lands under Forest Service jurisdiction as directed by the National Forest Management Act. Plans for the National Forests in California are nearing completion. The plans for the three National Forests that would be affected by S. 7 -- the San Bernardino, the Inyo, and the Sequoia -- have been published in draft form.

During the development of these plans, the Forest Service requested the views and preferences of the people of California about how these National Forests should be managed and used. These views were diverse and often conflicting. Our final recommendations for these lands will reflect a reasonable and workable balance of uses. We feel strongly that the planning process should be allowed to be completed, and our management decisions and wilderness recommendations documented in final plans before Congress takes action on wilderness legislation for these areas. We believe it would be inappropriate to make recommendations regarding wilderness designation for any areas in the three National Forests affected by S. 7 until the process is completed. We strongly recommend that Congress defer these designations until the current forest planning process is completed. It is estimated that Final Forest Plans will be issued in mid-1988.

Nineteen percent of the National Forest System lands in California are presently designated wilderness. Wilderness is one of the major interests which is helping to shape the Forest Plans. The plans for the three Forests will provide a diverse recreation spectrum to accommodate the various interests and needs of public land users. These plans will provide opportunities for solitude and wilderness experience, as well as opportunities for four-wheel-drive enthusiasts, motorcycle riders, and others. They also will provide for mining, wood cutting, livestock grazing, and other appropriate uses of the National Forests.

We offer the following additional comments for the three National Forest areas proposed for wilderness designation:

Bighorn Mountains Wilderness - Proposed (Sec. 102 (4)) - San Bernardino NF.

S. 7 would designate a 33,800-acre Bighorn Mountain Wilderness, which would include 11,000 acres of National Forest System lands. The draft forest plan recommends that this area be used for non-wilderness, non-motorized recreation and wildlife uses. The Forest and the California Department of Fish and Game have signed a cooperative agreement to install water developments for wildlife. These facilities would not be compatible with wilderness designation. Half of the area has moderate potential for discovery of copper, gold, and tungsten. Approximately 50 claims for locatable minerals have been filed. The area has moderate potential for the discovery of leaseable geothermal resources.

Inyo Mountains Wilderness - Proposed (Sec. 102 (33)) - Inyo NF.

S. 7 would designate a 210,660-acre Inyo Mountains Wilderness, of which approximately 67,500 acres would be National Forest System lands. The draft forest plan recommends that approximately 54,000 acres of National Forest be added to the wilderness system. This recommendation is based on public support for wilderness while considering that portions of the total area have been noticeably impacted by roads and mining. The Forest has recently established a citizen "wilderness work group", with members reflecting various viewpoints, to help refine the draft plan wilderness recommendation. Designation of a larger area would include many existing roads and mining claims. Vehicle access would be difficult to control, and mining and range management activities would be constrained. A smaller area would increase opportunities for motorized recreation and mining.

Kiavah Wilderness - Proposed (Sec. 102 (36)) - Sequoia NF.

S. 7 would designate an 88,280-acre Kiavah Wilderness, which would include 48,000 acres of National Forest System lands. The draft forest plan recommends the area not be designated as wilderness, but rather be allocated to wildlife and dispersed recreation purposes. Off-road vehicle use and hunting are the dominate uses. Several dirt roads provide access to various canyons, and a Forest Service road provides access to the broad, plateau-like summit. We estimate that 90 percent of the recreation and hunting use in the area originates from this road. Wilderness designation would necessitate closing the road, thereby eliminating much of the traditional use.

Wilderness Additions

S. 7 would add three areas of BLM land to adjacent designated National Forest System wildernesses. These areas are the "Domelands Wilderness Additions - Proposed", 36,300 acres; the "San Gorgonio Wilderness Additions - Proposed", 33,500 acres; and the "Santa Rosa Wilderness Additions - Proposed", 53,240 acres.

In 1976, Congress directed the Secretary of the Interior to "prepare and implement a comprehensive long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area" (CDCA). This plan was developed after years of extensive public involvement and consultation with other agency officials. As a result of these efforts, there is an unusually wide public acceptance of the plan, including well supported preliminary recommendations for the CDCA wilderness study areas. These preliminary recommendation indicate that the Domelands area is unsuitable for wilderness designation. The recommendations for the San Gorgonio and Santa Rosa areas are very similar to S. 7. Wilderness designation, if based on the preliminary recommendations in the CDCA Plan, would not negatively affect management of the adjacent National Forest wilderness areas.

White Mountains Wilderness Study Area

S. 7 would require the Secretary of Agriculture to determine the wilderness suitability of the "White Mountains Wilderness Study Area--Proposed." The area is administered by BLM, and jurisdiction would not change. A Forest Service study would duplicate BLM efforts and delay the completion of the Inyo National Forest plan. If any designated wilderness is to be managed by BLM, then BLM should do the suitability study.

In summary, we strongly believe that Congress should wait until the Forest Plans are completed before designating more wilderness within the San Bernardino, Inyo, and Sequoia National Forests. We also recommend that Congress not act on the wilderness additions proposed in S. 7 until it receives the Secretary of the Interior's final recommendations for wilderness designations within the California Desert Conservation Area. Finally, wilderness suitability studies of lands under the jurisdiction of the Department of the Interior can best be conducted by that Department.

This concludes the Department's statement. We would be happy to provide any additional information you may desire.

Senator **Bumpers**. Now I defer to my distinguished ranking member on this subcommittee, Senator Wallop from Wyoming.

STATEMENT OF HON. MALCOLM WALLOP, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator **Wallop**. Mr. Chairman, thank you.

As you know, this morning I had objected to the subcommittee sitting this afternoon. I did that not because I have particular problems with this legislation, although I do. I did it because I see us wandering back as we have in the past which I think is not good for those of us who represent States. The problem is that you do not seek a consensus within a State's delegation before proceeding with legislation as vast, far-reaching, comprehensive and complicated as this is.

We did it with the California wilderness. We did it with the Wyoming wilderness. We did it with the Idaho wilderness. We have done it with all those areas, including Utah, that have had complicated land management proposals before them.

I really think that it is premature for us to move, given the fact that the California delegation both in the Senate and the House has very mixed feelings about this legislation, and for good reasons. There are new management schemes. There are transfers of management responsibility. It virtually is silent on the issues of water, which clearly is of some concern to the State of California, as well as the State of Nevada. That is reasonably ignored in all of this, though it will have some effects from it.

I will just say that your statement was quite correct that the response has been varied. The response is not yet very thoughtful. It is nice to dream of such a thing, but there are problems that need to be resolved, and absent a resolution of those problems, this legislation I hope will move nowhere because it is not in the long-term interest of California or its neighbor States. And it is certainly not in the long-term interest of how this committee approaches the very complex issues of Federal land management.

Senator **Bumpers**. Thank you, Senator Wallop.

Senator Cranston has sent word that he is going to be a little late. Senator Wilson, we will be delighted to hear from you.

Senator **Wilson**. Thank you very much, Mr. Chairman.

Senator **Bumpers**. Senator Wilson, if you will pardon me. I would like at this point to insert in the record a letter from Secretary Hodel dealing with this matter.

[The letter from Secretary Hodel follows:]

THE SECRETARY OF THE INTERIOR
WASHINGTON

July 20,1987

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Subcommittee on Public Lands currently has under review S. 7, a bill that would significantly alter the current California Desert Plan. The impacts of this legislation would be far-reaching. There would be significant detrimental effects on mining and grazing interests and to recreation users. Because the bill would effectively stop most Desert access, the Department of the Interior strongly opposes this legislation.

The current California Desert Plan was formulated with the involvement of thousands of people and consultation with local, county, State and Federal officials to protect the unique resources and the values of the Desert, as well as to ensure that public land resources were prudently used and managed. In addition, the Plan has been approved by two administrations, in 1980 by Secretary Andrus and reaffirmed by Secretary Watt in 1981. And, it has succeeded in protecting important wilderness and wildlife values while allowing millions of recreation users to enjoy and benefit from the multiple-use areas.

Rather than undertake a sweeping action such as that contemplated in S. 7, which would brush aside all that has previously been accomplished, I urge Congress to reaffirm its support for the process that resulted in the California Desert Plan and the commitments we've made to the millions of people who use the Desert.

The Department of the Interior makes that reaffirmation and therefore, we strongly oppose S. 7.

Sincerely,

Donald Paul Hodel
DONALD PAUL HODEL

STATEMENT OF HON. PETE WILSON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator **Wilson**. Thank you very much, Mr. Chairman. I am grateful to you and the committee for holding the hearing.

Mr. Chairman, it is a pleasure to be here and to welcome all my fellow Californians who have made the trip to appear before this subcommittee both this afternoon and Thursday on the question of what to do with the California desert.

Unlike these Californians who are familiar with the desert, many Americans think of the desert as nothing but sun and sand.

To those of us who have traveled there even a little bit, as I have last November, the desert has many voices.

The wildlife is unique as are the vistas, and the echoes of ancient tribes are there as well in the form of the giant petroglyphs, some of which are now tragically overrun and destroyed by the trails of jeeps and motorcycles.

Mr. Chairman, that day in the desert brought back memories of my experience in the legislative process which ultimately resulted in the California wilderness bill. As in 1984, this controversy, as you have noted in your opening statement, is a heated one. And during the consideration of the wilderness issue in 1983 and 1984, my staff and I heard extensively from all interested parties.

It was only then, after having listened carefully to all sides, that I sat down with my friend and colleague, Senator Cranston, and Chairman John Seiberling. Over the course of many, many long months, we very carefully hammered out what we agreed was an acre-by-acre, almost tree-by-tree compromise that sought to bring about in our subjective view some justice in this very complex set of questions before us.

That wilderness compromise unlocked acreage needed for the economic survival of several California communities at the same time that it assured the survival for future generations of the most sensitive and beautiful of California's forest wilderness areas.

I think we did a pretty good job. And most of those who witnessed the outcome judged it fair and a decided improvement to the continuing impasse which it finally resolved.

That question, like this one, after all, was a matter of judgment. Nature does not judge but you and I must, and we must do so fairly and carefully because what we are required to do in this legislative forum is to adjudicate the many competing claims upon the California desert.

Today we begin in this subcommittee to hear those many claims, those many voices who have come to be heard, those who love the desert for its wildness, those for whom it provides economic sustenance, and those who seek it as a much needed respite from urban congestion and pressure.

Mr. Chairman, I am here to listen carefully before rendering judgment in this complicated area. I commend Senator Cranston for having undertaken this ambitious effort. It deserves our careful and our fair attention.

I will delay the committee no further. And I thank the Chair for his invitation to sit with the subcommittee. I will take advantage of that now.

Senator Bumpers. Senator Wilson, before you do that, may I address a couple of questions to you?

Senator Wilson. Surely.

Senator Bumpers. You are not a co-sponsor of this legislation, and I take it you are withholding judgment on it. And I take it from your testimony you also would like to believe that you could hammer out the kind of agreement you did on the California wilderness bill.

We on the committee—of course, we like to have both Senators on board with this legislation.

And I was just curious because I really do not know. Are there any particular groups you can identify as being the principal opponents of this legislation?

Senator Wilson. Mr. Chairman, I have received just in the mail long lists of people that presumably comprise a coalition. I would assume that your committee staff has heard from a number of those who wish to be heard in opposition.

Senator Bumpers. I assume some of those people will be testifying, at least on Thursday.

Senator Wilson. Yes, I would assume so.

Senator Bumpers. And maybe some today. I do not know.

Senator Wilson. I would assume so. And they obviously include economic interests, those who are concerned with grazing, those concerned with mining. They concern recreational interests, those who are eager to maintain their present access to the desert as a recreational area. In fact, there is, as you doubtless know, a conflict between recreationists of different kinds. The off-road vehicle people seek a kind of recreation that is viewed by many as inimical to the interest those who are backpackers, who are collectors, but you will find I think that you have got an even more complicated situation here than in the case of the forest wilderness.

Senator Bumpers. I would not prejudge this bill. It is a very comprehensive and big bill, very important not just to California, but to the rest of country.

And as the Senator knows, when I was trying to get a 90 day postponement on the reflagging of Kuwaiti ships the other day, I said on the floor of the Senate and believe very strongly that this country has never gotten in trouble by being more reflective and debating issues of that magnitude for a little longer period of time. We might have avoided the Vietnam war if we had taken a 90 day breathing spell to debate the Gulf of Tonkin resolution.

On legislation such as this, I have a tendency to come down on the other side simply because in a situation such as this—the desert like everything else is very fragile. As the English philosopher said, there is nothing more utterly impossible than undoing that which has already been done. And I always feel that when we adopt legislation like this, we can always go revisit it if we decide that we made a mistake or if other uses on balance are better for the country. But places like the desert that are, indeed, very fragile, the longer you spend, the longer you take in preserving it, the more irreversible damage that is done.

And so, while I am not going to prejudge the bill, I would like for this committee to, at the earliest possible time of course, take this bill up for markup and see if we cannot resolve some of the competing interests and get this bill passed in some form.

Senator Wallop?

Senator **Wallop**. I would just make an observation. One of the groups from whom I heard today, which is one who I suppose might ordinarily be in support of a proposal such as this, is the Western States Wildlife Management Agency. They expressed their concern about the transfer of the management of a great deal of wildlife—successfully managed wildlife, incidentally—to the Federal Government, which does not have nearly the same track record of competence. There are some serious environmental issues that are raised by the mere introduction of it that I think have to be addressed before we move too rapidly.

Senator **Bumpers**. Senator Hecht?

Senator **Hecht**. Thank you, Mr. Chairman.

Senator Wilson, there has also been a lot of interest in this bill in Nevada. I have just been informed by staff that we have received a tremendous amount of correspondence, calls, and letters, with about 400 opposing it and just a very, very few in favor of it. One of the big questions that consistently comes up is a question of water rights. I am going to be following that very, very carefully in this bill because there are tremendous implications for water rights in the Nevada wilderness bill.

Senator **Bumpers**. Thank you, Senator Hecht, and thank you, Senator Wilson.

Has Senator Cranston arrived yet? I have not seen him.

Senator **Wilson**. Mr. Chairman, I would only say that I think that while we need to be deliberate and careful, as you have indicated, that obviously does not mean that we should confuse that with inordinate delay. I think there is a threat to the desert, but I do think that we are required in fairness to hear from all sides, as I am sure the subcommittee intends to do.

To Senator Hecht, I suspect that the only thing that does not make this quite as complex as the Nevada desert is that one competing claim here is not gambling. We will have no casinos. The gamble is of a different kind.

Senator **Bumpers**. Thank you, Senator Wilson.

Our next witness is the Honorable Jerry Lewis, Congressman from the State of California. Jerry, welcome.

Mr. **Lewis**. Thank you, Senator.

Senator **Bumpers**. Please proceed.

STATEMENT OF HON. JERRY LEWIS, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. **Lewis**. Senator, if I could submit my statement for the record, I will not burden you with reading the entire thing.

Senator **Bumpers**. You will never get any squawk from this committee when you decide to summarize instead of read your statement.

Mr. **Lewis**. Mr. Chairman and members of the subcommittee, let me say that first I very much appreciate your taking the time and the energy and effort to hold these hearings on a very important issue to my own district in California. There are some 25 million acres of desert in California. I would submit that the major numbers of those acres lie in the San Bernardino County region, which is essentially my district.

I would like to say at the outset, Chairman Bumpers, that your comment that it is most important that we move cautiously but we should avoid that as a propose to have no movement at all, the Congress has demonstrated its willingness to bite some very tough bullets in the environmental field, and including this specific field in the past.

For the record, I would like to suggest to the committee that you have not had an opportunity to know me and my own legislative background extensively, but I would take no back seat to anybody expressing my concern about the environment. It was my honor in the California Legislature to sponsor legislation that created the Air Quality Management District in Southern California that has taken some rather revolutionary steps in terms of funding environmental and emission control efforts.

I did have the honor of following the lead of your State, Senator Hecht, when the expressed concern about people going into desert regions and essentially robbing the desert of its plant life, stealing stands of Joshua trees and the like. Arizona and Nevada led the way in terms of law enforcement in that connection and we use much of your work to broaden the base of effort by our law enforcement agencies to stop that sort of activity in our desert.

I have represented the California desert for almost 20 years now. It is a beautiful environ. I want you, members of the Senate, to know that I appreciate the attention that this legislation has brought to our community. And in turn, I anticipate an elevated level of interest insofar as our appropriations dollars are concerned as we go about attempting to make sure we preserve that which needs preserving.

The Congress has not ignored this issue in the past, as I have mentioned. My immediate predecessors were Congresswoman Shirley Pettis and her husband, who was tragically killed before her service, Congressman Jerry Pettis. He introducd originally legislation that would call for a planning process whereby we could go about systematically evaluating the needs of the California desert.

In 1976 legislation was passed. That legislation began the process of planning for the future of our desert development, balanced use and eventually proper environmental control. It is most important for us to not forget that which we have done in the past. That legislation put together a public commission made up of citizens who were appointed to carry out a planning responsibility. They held hearings throughout the California desert region, going to places like Needles and Barstow and Palm Springs and Victorville rather than having their hearings in, say, an urban center like downtown Los Angeles. They had input from literally thousands of Californians and others who were concerned about the desert, testimony from experts in the various scientific fields that relate here, some 40,000 individual inputs.

We have spent something just short of $10 million in developing that planning process and the work that we directed the Bureau of Land Management to carry forth.

Much of that work is accomplished. We still do expect additional reports from the BLM later this year relative to the wilderness provisions that would be a part of their plan. They have gone through over years of time and months and months of effort the hearing process bringing all of the parties together to establish a solid foundation for compromise.

You and I, Chairman Bumpers, know what that is about. This is tough business when you deal with people in the air quality field. There are people all over the lot. And eventually if you do your homework, you can bring the different interests together and lead to a compromise that makes good sense in terms of public policy.

That process has been carried forth as a result of the direction of the Congress, a bill that was supported both in the Senate and the House in a broad bipartisan fashion. Indeed, Senator Cranston voted for that original legislation.

For some reason at the last moment it has been suggested by a relatively small group of individuals or people who were a part of the original process, who participated in the effort to compromise, that they were not getting enough of what they wanted. And so they fashioned what was their original proposal in 1980 and 1981 and put it in bill form, essentially throwing out those years of effort, those millions of dollars of expenditure of taxpayers' funds for the planning process, and for all intents and purposes, have said the work of that advisory council and those experts and the Bureau of Land Management is not worth our consideration, so we would ask the Congress to trash it.

I frankly wonder if we do not do serious damage to our credibility, if we exercise ourselves by finalizing that pattern and approach. When legitimate interests come to the table and bargain over years, work out some very difficult problems, and that leads to compromise and a plan that most have signed off on, to essentially then go back through the legislative channel and throw out that work certainly is going to have a negative impact upon our credibility in the future as we look to other problems that do lie before us in terms of the environment.

There are some other questions that I think should be raised by the committee, and I hope you will, as you go forward, consider the impact of this legislation in terms of some of those very specific interests that face not just the desert and by county but the country.

The desert region includes among other things very, very important and significant military installations. The Congress made the decision just a few years ago to direct that Fort Irwin become the national training center for the Army. There are thousands and thousands of acres of land that are being used for a very important public purpose in terms of training our people in the Army. A similar activity carried on at the Twentynine Palms Marine base—there is not any question that there are elements of Senate Bill 7 that would negatively impact those military activities and should be of that sort of national concern. I would hope the committee would make sure that the Department of Defense, first, is aware of this legislation and goes to the effort of evaluating——

Senator **Bumpers**. I promise you they are aware, Jerry.

Mr. **Lewis**. Above and beyond that, I would mention that in California our leading industry, one of our most important industries, is the mining industry. A very significant portion of their activity takes place because of the location of resource in our desert. Over many years that industry has provided jobs, a significant importance to the national interest, as well as our economy. That industry would be dramatically impacted in a negative fashion if we adopted Senate Bill 7 in its present form.

Once again, the mining industry participated in those years of compromise, the exchange that took place, provided input, and indeed they gave a lot. I wonder if there are not many within the mining industry who are not today saying why did we ever go to the table in the first place. Clearly the compromise that we went through and participated in for a few would be thrown out the window with little consideration for our past effort. I know this subcommittee is not going to respond in that fashion. But there are people wringing their hands and suggesting that that could be the result.

The recreation interests that impact significantly the West indeed find the desert to be a significant part of their own personal interests and a significant part of their activity.

Senator Bumpers, I am not one who is red-hot for off-road vehicles. They have a thing called the California Desert Race between Barstow and Las Vegas where motor cycles and others speed between two urban centers across my desert. They do have a place to have their race where the desert is not harmed, but nonetheless, frankly, I am not a great supporter of that activity. This bill would not affect that activity, but often those sorts of symbols become the sensation that reflect those who want to use such a race to illustrate what should not be taking place on the desert. Those symbols do not reflect the reality of our current planning, control and direction in the desert.

Let me close my remarks by mentioning one other item that is of significance. As a result of the very high level of attention brought to the desert once again because my colleague and yours, Senator Cranston, introduced this legislation, our appropriations committees are beginning to respond. We have had for this 25 million acres up till now 22 rangers to cover all those acres. To say the least, that is not adequate.

I would ask you to give this positive consideration to an amendment that is in one of the appropriations bills where money has been provided to add an additional 20 rangers almost doubling their number, but clearly 42 is not many when you talk about 25 million acres.

If there has been a problem in the past with our planning process, it has been a personnel and budget priority problem to a very significant degree.

Further, Mr. Chairman, while I ask for your positive consideration of that kind of appropriations, it is important for us to recognize that this land is a land that has been there forever. It is fantastic, beautiful in its form. There is great controversy relative to how it might best be preserved.

My own district involves the Morongo Basin. That basin is adjacent to the Joshua Tree National Monument. In the 20 years that I have served the region, the debate has ebbed and flowed and raged back and forth. Should we have a park or should it be a monument? And largely the contest is between those that believe that a park might cause more visitors and therefore more business to Twentynine Palms, others who feel that that sort of attraction could in the final analysis have a negative impact upon the monument. People who care about the desert, who live there, who want to preserve it are in disagreement about a technical question such as that. Would a park designation actually help the monument in terms of preserving the critical portions of the environment?

These are tough questions. I submit to the subcommittee that you have done your work in the past and over the years. I appreciate the attention through FLPMA that you have given to the desert. Indeed, the planning process is all but complete. I would suggest that we allow the Bureau of Land Management to complete its work.

One final comment. There are some who would suggest that because of the charge of the Congress, the Bureau of Land Management is not best equipped to treat the environment of the desert as some would have it. They suggest, for example, that maybe the Park Service or the Forest Service might do a better job. Presently in my own district in the San Bernardino Mountains we have great problems with the Forest Service because they are not able to well control off-road vehicle activity in the mountains. I would submit that is not a weakness of the Forest Service, but rather a problem they have with their budget.

Once again, if we have enough personnel, if we give the priority to the appropriations process, we indeed can preserve the California desert in its pristine form and allow the American public, as well as my constituents to enjoy it as well.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Lewis follows:]

JERRY LEWIS
35TH DISTRICT, CALIFORNIA

COMMITTEES:
APPROPRIATIONS
SUBCOMMITTEES:
HUD-INDEPENDENT AGENCIES
FOREIGN OPERATIONS
LEGISLATIVE BRANCH
(RANKING MEMBER)
CHAIRMAN,
HOUSE REPUBLICAN POLICY COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
ROOM 326
CANNON HOUSE OFFICE BUILDING
202-225-5861

DISTRICT OFFICES:
1826 ORANGE TREE LANE
SUITE 104
REDLANDS, CA 92374-3831
714-862-6030
714-792-8801

BARSTOW, CA 92311
619/256-1833

The Honorable Jerry Lewis
Testimony Before the Senate Subcommittee on
Public Lands, National Parks and Forests
July 21, 1987

Mr. Chairman, Members of the Committee, I welcome this opportunity to provide you with testimony relevant to your consideration of S.7, The California Desert Protection Act of 1987. As a member who represents a large portion of the desert, including the proposed East Mojave and Joshua Tree National Parks, I have a deep, personal opposition to this legislation.

Mr. Chairman, I refuse to take a back seat to anyone when it comes to environmental concerns. As a member of the California State Assembly, I drafted legislation which created the South Coast Air Quality Management District, the Agency responsible for monitoring air quality in the nation's smoggiest region. I was willing to put forth what were then revolutionary ideas such as the taxing of stationary sources to pay for overall emissions controls. In addition, I sponsored the Cactus-Napper Bill, an attempt to control the illegal seizure of wild cacti from within California's public lands. More recently, I was the only California Republican to originally cosponsor last year's comprehensive Acid Deposition Control Act. Most importantly, I have spent much of my life in the desert and know very well those who choose to call the desert their home.

Having said that, I come to the committee more with a series of questions rather than a list of objections. As is well known, the Congress was early in recognizing that the many competing demands on the desert and its varied resources required a comprehensive and site-specific management plan. Section 601 of the Federal Land Policy and Management Act (FLPMA) states very clearly that "to ensure further study of the relationship of man and the California desert environment. . .the public must be provided more opportunity to participate in such planning and management. . . ." Furthermore, the Act stipulates that the management plan must be developed within the framework of a program of multiple use and sustained yield.

As you know, the Desert plan evolved from this effort. Scientists from all fields joined experts representing environmentalists, ranchers, outdoor enthusiasts, and members of the mining industry on a 15-member public Desert Advisory Council in drafting the $8 million plan. The Council was organized to reflect a cross section of the interests and varied users of the California desert. For four years, these people worked together to provide the kind of mix that reflects the needs and concerns of all public land users.

Given this history, I cannot support efforts to scrap the current plan and the democratic process which created it. I cannot ignore the recommendations of an $8 million planning process which incorporated some 40,000 public comments. I cannot turn my back on a plan approved by both Democratic and Republican Administrations. I sincerely hope that this Committee will not choose to do that.

As representatives of diverse constituencies, we all recognize that there is strong, bipartisan public support to protect the environment. We have learned from experience that battles over the environment are not generally fought over the concept of environmental protection, but rather over methods to achieve that desired end result. In the minds of most of my constituents, the battle for desert protection was fought nearly a decade ago and need not be resurrected again. It was a heated battle, indeed. The Los Angeles Times stated in an October 13, 1980 editorial that "the plan appears to protect the interests of preservationists while recognizing needs of miners, ranchers and utility companies. It is a balanced plan; no one group will be entirely happy with it, and that's a good sign."

In 1980, The Bureau of Land Management, and the Congressionally-mandated Desert Advisory Council were presented with several management options ranging from minimum to maximum wilderness study area. However, in keeping with the spirit and intent of FLPMA, the BLM rejected these extreme managment options for one which instead encouraged multiple use and sustained yield. Indeed, many of the miners, ranchers and off-road vehicle enthusiasts who particpated in this democratic process were not happy with the end result but recognized that a compromise had been made. I ask this Committee and the distinguished Senator from California, why should those people who participated in the process at the appropriate time be forced to compromise once again? Why should a protectionist format that circumvents the public process and the time and effort that went into it be even considered by those who feel threatened by S.7? Clearly, the current debate is making mud out of what was once a very fine process.

To know the desert is to understand the desert. The California desert is not Yosemite. It is not Yellowstone. Like those, however, it is an area of unequaled beauty and vigor.

The suggestion that the BLM is incapable or unwilling to manage the desert according to Congressional intent is, at best, to misunderstand the desert. Those who suggest that either the Forest Service or the Park Service would be more capable of managing this vast region are reaching for an easy solution to a complex problem. I have confidence that this Committee will recognize that the Forest Service and Park Service are having similar difficulties in managing certain aspects of their own operations. One need only to look at the San Bernardino National Forest and the difficulty that the Forest Service is having in controlling ORV use to cite clear evidence of this fact. Does this indicate a waning Forest Service desire to control ORV use? Of course not. It indicates that, like the BLM, they are struggling to cope with a new and intensified use of the land and with an erosion of their budgetary spending power.

From the war years to the present time, the military has had a major impact upon the Desert and its numerous communities. Today, the desert is home to Norton, George and Edwards Air Force bases, the Naval Weapons Center at China Lake, Twentynine Palms Marine Corps Air Ground Combat Center, the Marine Corps Chocolate Mountain Aerial Gunnery Range, and the National Training Center and Ft. Irwin. All would be adversely affected by passage of S.7, prompting the DoD to oppose it.

The interests of the military should be of the utmost importance in this debate, particularly when it is the military that contributes so much to the economy of California and to my District in particular. Undeniably, this bill poses a direct threat to both existing military operations and future military mission capabilities. S.7 would place limitations on training, restrictions on future expansion, and redefinition of air space. Low-level, high speed flight training, so essential to this nation's security, would be seriously curtailed. Wilderness designation adjacent to military operations could jeopardize future operations due to noise and other man-made disturbances which are inconsistent with wilderness characteristics. While the BLM has worked closely with the military to ensure an acceptable compromise, have the supporters of S.7? Clearly, S.7 may prevent California desert installations from fulfilling their missions. I ask the Members of this Committee, is this acceptable?

There are many other desert users who will be adversely affected by S.7. Since many will be testifying before this committee, I will refrain from detailed commentary on areas of their specialty. However, on a general note, it is important to remember that most desert users are among the greatest conservationists. Their genuine appreciation for the land, and recognition that their personal livelihood is based--in great part--on responsible use of the desert land must not be underestimated. My constituents who call themselves miners or grazers or rockhounders or off-road vehicles enthusiasts generally oppose the bill because it fails to recognize their contribution to the desert. Shouldn't this committee recognize that committment?

I want to thank the supporters of S.7 for raising the level of public awareness to the California desert. As a result of their efforts, I have found the various committees with jurisdiction in this area to be much more accomodating to my requests for additional funding. Just this year, the House Interior Appropriations Subcommittee approved my requests of $820,000 to nearly double the desert Ranger force, and $600,000 to voluntarily acquire private inholdings critical to the desert tortoise habitat. I do not believe that the Appropriations Committee would have been nearly as receptive to these requests had it not been for the attention this bill has brought upon the desert. For this, I am extremely appreciative.

In conclusion, I ask the Members of this Committee to recognize the prophetic words of Teddy Roosevelt when he stated in a special message to Congress in 1908 that, "Our public land policy has for its aim the use of public land so that it will promote local development by the settlement of homemakers; the policy we champion it to serve all the people openly and legitimately, instead of permitting the lands to be coverted, illegitimately and under cover, to the private benefit of a few." These words are equally true today. It is my sincere hope that, in the end, this Committee will recognize S.7 (as currently drafted) for what it truly is: an unwise and impractical circumvention of a Congressionally-mandated public policy process.

Senator **Bumpers**. Thank you, Congressman.

Senator Wallop?

Senator **Wallop**. I have no questions.

Senator **Bumpers**. Senator Hecht?

Senator **Hecht**. No questions.

Senator **Bumpers**. Thank you very much. Alan, I tried to send Ken to go looking for you, but he was afraid he would lose his seat.

Senator **Cranston**. Thank you very much, Mr. Chairman and members of the committee.

Senator **Bumpers**. Glad to hear from you. And Alan, when you finish, if you would like to join us, as Senator Wilson did a moment ago, we would be glad to have you here.

Senator **Cranston**. Thank you. I would like to very, very much.

STATEMENT OF HON. ALAN CRANSTON, A U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator **Cranston**. I very deeply appreciate, Mr. Chairman, your arranging and chairing these hearings on S. 7, the California Desert Protection Act. As you know, enhanced protection of the California desert through enactment of S. 7 is one of my highest legislative priorities. I was glad to hear just now from Congressman Jerry Lewis that he recognizes the need to protect the desert. I join with him in recognizing there are controversies about how best to go about it. And that is what these hearings and this effort is all about.

I am pleased to have the opportunity to testify in support of this bill today to explain the critical need for it briefly and to respond to some of the concerns that have been raised.

Last April and May I made two trips to the California desert with a group of naturalists, environmentalists, and scientists to look at some of the areas described in our legislation.

We camped out on the desert floor. We hiked mountains. We trekked up and through narrow desert wilderness canyons. We found snakes, lizards and other animals on huge, wild sand dunes. We looked at recreational sites for ORVs, dune buggies, ATVs and motor cycles. We saw scores of flowers and plants including remarkably an 11,000 year old creosote bush which may be the oldest living organism on planet Earth. It is a bush that has spread out over an area of perhaps 30 to 40 feet wide. And right through the middle of it are the tracks of an ORV vehicle that went right through that bush with some destructive consequences.

We drove hundreds of miles over dirt and paved roads through Death Valley and Joshua Tree National Monuments. We flew over huge mining operations, water projects, military installations and miles of farming and ranching lands. We held lizards in our hands and saw nighttime skies of incredible beauty and the myriad stars of endless galaxies.

One sunset we climbed the Eureka dunes, looming, awesome sand structures that are a miniature ecosystem of incredible complexity. The dunes are surrounded by towering mountain ranges of rugged, stark and massive igneous rocks whose antiquity and structure bespoke of long ago geological eons.

Climbing the 8,500 foot Last Chance mountain peak, we saw a sweeping 360 degree view, the snow-capped Sierra Nevada in the west and far to the south Death Valley sink, 280 feet below sea level.

The awesome presence of overwhelming time and force surround you in the desert. There is an immense, almost incomprehensible beauty there that attracts people from all over the world, totalling some 16 million visitor days a year.

The desert is a land of many uses and many resources, and it is vast enough to support the many varied demands being made upon it by recreationists, campers, hikers, tourists, military, residents, energy developers, miners, rockhounds, hunters, ranchers, naturalists, scientists and educators.

The desert can support all those diverse interests provided only that the demands made upon it are in concert with the ecological and economic realities of the region.

My legislation is committed to these principles. One, national park designation is urgently required for maintaining the integrity of Death Valley, Joshua Tree and the East Mojave area and to protect them for the varied uses anticipated in park status.

Two, designation of wilderness areas is essential to preserve these very special places which need higher protection than they presently enjoy.

Three, recreational, mining and grazing uses must be and shall be provided for in the desert. We are not locking up the desert. To the contrary, we are ensuring multiple use and environmental protection of the desert for all of the people of this Nation, not just certain special interest groups.

I have made many other trips to the desert in my life, but this time I came away more determined than ever to help conserve, protect and manage these vast natural resources for the greatest number of people and for the greatest good not just of California, but the Nation as a whole, and not just for the immediate gratification of a few, but for the millions and future generations who follow in our footsteps.

Mr. Chairman, this legislation is necessary because of the breach of trust by Secretary Hodel, "Mr. Environment Buster," in failing to protect the desert. His opposition to our bill is unfortunate but not surprising considering his record over the past two and a half years.

From the mountains to the deserts, from the oceans to the ozone, Hodel has aided and abetted a creeping destruction, degradation and devastation of our environment.

Hodel closes his eyes to strip mining violations in Kentucky, ignores the problems of acid rain in New England and Canada, pushes oil exploration and drilling in protected sanctuaries of Alaska, condones below-rim tourist flights through the Grand Canyon, and encourages oil companies to rape the beauty and the resources of coasts on both sides of our continent from California to Massachusetts.

Hodel almost makes one yearn for the "good old days" of James Watt.

Mr. Chairman, the administration and others have raised questions about the relationship of this bill to the California Desert

Plan. Contrary to popular belief, S. 7 does not eliminate the California Desert Plan. The desert plan will continue to be the primary management tool for the Bureau of Land Management in its management of 9 million acres of the California desert.

However, the desert plan has not been all that many of us hoped it would be in terms of protection of the very special and highly sensitive resources of the California desert. The plan was supposed to be a comprehensive management plan to protect and wisely develop the 12.1 million acres of BLM lands in the California desert. But the original plan was defective from the outset because of a heavy bias toward resource consumptive interests.

Many people were deeply disappointed in the final plan, not only environmentalists, but members of the scientific and educational community as well. They expressed their concerns at that time. Indeed, since significant changes were made by the BLM, between the issuance of the final and approval by the Secretary of the Interior, there was much dissatisfaction at that time.

Nonetheless, as the Senate sponsor of the legislation to establish the California Desert Conservation Area and direct the BLM to develop a comprehensive management plan for the California desert, I wanted to give the plan a chance to work. Unfortunately, the plan has been further weakened by pro-development and ORV amendments, lax enforcement, and flawed implementation by the BLM. This was a breach of faith, a breach of faith for those who sought a strong desert plan.

Because of the situation, congressional action is needed to stop the piecemeal destruction of the desert resources the BLM plan has failed to protect over the last six years. Moreover, legislation is the next logical step to resolve the issue of which desert lands will receive park and wilderness status. The plan recommends wilderness, but only Congress can designate wilderness.

Initially, I consulted with the members of the California conservation community in developing this legislation. S. 2061 was introduced in February 1986. I asked for the public to comment on the bill, and in response to the input I received in 1986 amended the legislation which I introduced as S. 7 in January of this year. I modified the legislation, for example, in an effort to meet some of the points raised by the California Lands Commission, several California utilities, Agua Caliente Band of Cahuilla Indians and others.

I will be listening very carefully to the testimony the public presents today and Thursday, and I remain willing to amend the bill and make appropriate boundary changes as justified. In drawing the boundaries, I have been very careful to exclude existing development activities. Utility corridors identified in the desert plan have deliberately been left open. Producing mines have been recognized. The bill specifically protects valid, existing claims within the park areas. As you know, the Wilderness Act already permits mining of valid, existing claims in wilderness areas. Also, over 740,000 acres of designated open areas for off-road vehicles are unaffected by this legislation.

I anticipate the administration will tell you that the California desert is one of the most diverse geologic regions and mineralized areas in the country and produces commodities which are vitally important. But I doubt the administration can tell you that all this impressive mineral development is impacted in any by S. 7. That is because mining is permitted under the bill.

The boundaries of park and wilderness areas have been drawn to minimize mining conflicts. A detailed review of BLM, Bureau of Mines and geological survey maps, field reports, and geological studies indicate that most significant reserves lie outside the proposed parks and wilderness areas. Moreover, there are no reserves at any of the 14 minerals considered strategic by the Office of Technological Assessment to be found anywhere in the California desert.

The administration argues that we should not put lands which may have minerals, which may have uses yet to be determined for society into parks and wildernesses. I want to point out that minerals are not the only desert resource which may be uses yet to be determined. We should have equally strong concerns about plants, animals, soil, cultural remains, and watershed values.

Turning to vehicle use in the California desert, I flatly disagree with the administration that vehicle use has been carefully managed. Visitors to ORV open areas can spend an entire weekend without seeing a BLM patrol vehicle. And there are restricted areas where no effective attempt is being made to stop vehicles from running cross country.

The recently released East Mojave National Scenic Area Management Plan and Environmental Assessment draft calls for the closure of several washes in the East Mojave because of damage to resources from vehicle use in this area. I want to stress this point. While S. 7 would deny ORV enthusiasts access to some parts of the desert, these are largely areas where they are already prohibited. The fact is that the areas receiving the heaviest ORV use at present would not be affected in any way by this bill. And nothing in my bill would prevent BLM from opening up new areas to ORVs, areas where they presently are not authorized to go.

If S. 7 were enacted without change, there would still be 15,000 miles of unmaintained dirt routes—enough to go halfway around the world—available for vehicular use. Another 15,000 miles of paved and maintained dirt roads also would remain open. So, more than enough mileage to go around the world once would be available for that purpose.

Also, the legislation does not affect many miles of vehicle accessible washes.

In addition, over 740,000 acres of BLM open areas are outside the proposed parks and wilderness areas and remain available exclusively for ORV use.

Additionally, more than 30,000 acres on state and private lands are available to ORVers.

Surely 770,000 acres, an area the size of the State of Rhode Island, plus 15,000 miles of unmaintained dirt routes should be enough to satisfy any reasonable ORV user.

Mr. Chairman, I look forward to what other witnesses have to say today and Thursday and in other ways to express their views. And I am willing to modify S. 7 as warranted.

I hope we will be able to move forward with a bill which meets economic needs and diverse recreation uses and at the same time protects the California desert for all time.

Thank you very, very much.

[The prepared statement of Senator Cranston follows:]

STATEMENT BY SENATOR ALAN CRANSTON
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
IN SUPPORT OF S. 7, THE CALIFORNIA DESERT PROTECTION ACT
July 21, 1987

Mr. Chairman, I greatly appreciate your chairing these hearings on S. 7, the California Desert Protection Act. As you know, enhanced protection of the California Desert through enactment of S. 7 is one of my highest legislative priorities. I'm pleased to have the opportunity to testify in support of the bill today, to explain the critical need for it, and to respond to some of the concerns that have been raised.

Mr. Chairman, last April and May I made two trips to the California Desert with a group of naturalists, environmentalists, and scientists to look at some of the areas described in our legislation.

We camped out on the desert floor. We hiked mountains. We trekked up and through narrow desert wilderness canyons. We found snakes, lizards and other animals on huge, wild sand dunes. We looked at recreational sites for ORVs -- dune buggies, ATVs, and motorcycles. We saw scores of flowers and plants, including an 11,000 year-old creosote bush which may be the oldest living organism on the planet earth. We drove hundreds of miles over dirt and paved roads through Death Valley and Joshua Tree National Monuments. We flew over huge mining operations, water projects, military installations and miles of farming and ranching lands. We held lizards in our hands and saw nighttime skies of incredible beauty and the myriad stars of endless galaxies.

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2. Designation of wilderness areas is essential to preserve these very special places which need higher protection than they presently enjoy.

3. Recreational, mining, and grazing uses must be -- and shall be -- provided for in the desert. We are not locking up the desert. To the contrary, we are ensuring multiple use and environmental protection of the desert for all of the people of this nation, not just certain special interest groups.

I've made many other trips to the desert, but this time I came away more determined than ever to help conserve, protect and manage these vast natural resources for the greatest number of people and for the greatest good, not just of California, but the nation as a whole; and not just for the immediate gratification of a few, but for the millions in future generations who follow in our footsteps.

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Hodel closes his eyes to strip mining violations in Kentucky, ignores the problems of acid rain in New England and Canada, pushes oil exploration and drilling in protected sanctuaries of Alaska, condones below-rim tourist flights through the Grand Canyon, and encourages oil companies to rape the beauty and the resources of coasts on both sides of our continent, from California to Massachusetts.

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Mr. Chairman, the California Desert covers 25 million acres, from Death Valley National Monument south to the Mexican border, from the San Jacinto and San Bernardino Mountains east to the Colorado River -- about one fourth of California's land surface. Of this 25 million acres, approximately 12.1 million acres are public lands administered by the Department of the Interior's Bureau of Land Management.

As you know, in 1976, Congress enacted the Federal Land Policy and Management Act (FLPMA) which established the California Desert Conservation Area and started a process for protecting the resources of the California Desert. FLPMA also called for wilderness review of the public lands administered by the BLM, including those in the California Desert.

The California Desert Protection Act continues this process of appropriately providing for protection of significant resources of the public lands in the California Desert. It provides permanent, lasting protection for the beauty and wildness of the California Desert through the designation of national parks and wilderness areas.

S. 7 designates approximately 4.5 million acres of these lands as BLM wilderness. The bill redesignates two national monuments -- Death Valley and Joshua Tree -- as national parks and makes appropriate additions to these units of the national park system. S. 7 also creates a new Mojave National Park. And it designates 3.9 million acres of national park wilderness in these three parks. In addition, the bill designates the Indian Canyons National Historic Site, completes the Red Rock Canyon State Park, and gives statutory protection to the Desert Lily Sanctuary.

Wilderness is a distinguishing characteristic of the California Desert. This vast desert is a composite of distinct habitats viewed by some as second only to the Galapagos Islands in terms of what they can teach man about evolution. There are sand dunes, moist and forested mountains, low desert valleys, palm oases, washes, and alluvial fans. Because the desert is extremely fragile, easily scarred, and slowly healed, many of these lands need the level of protection afforded only by wilderness designation. In fact, Congress directed the BLM to inventory its desert lands for areas possessing wilderness qualities. The BLM identified 137 separate areas, comprising more than 5.7 million acres, and designated these lands as wilderness study areas. But in defining the study areas, the BLM often drew the boundaries around the bases of rugged desert mountains, while excluding the desert lowlands which are especially rich in flora and fauna and are foraging areas for eagles, hawks, and other animals which nest, breed, and shelter in the mountains. Protection of these lowland areas is particularly important because they are vulnerable to heavy ORV use and other impacts.

S. 7 in many cases includes more acreage than proposed by the BLM in order to protect these critical lands and include entire natural ecological units. In all, the bill designates 81 BLM wilderness areas and one wilderness study area.

Three distinct areas within the California Desert fully qualify as national parks. The bill confers that status on Death Valley, Joshua Tree, and the east Mojave. First, the bill redesignates the existing Death Valley and Joshua Tree National Monuments as national parks and adds contiguous federal lands of national park caliber. Established by Presidential proclamations in the 1930's, Death Valley and Joshua Tree today are recognized as major units of the national park system. But the existing monument boundaries do not include all lands of significant natural, ecological, geological, archaeological, cultural, historical, and wilderness value, thus exposing them to incompatible development.

In 1977 the Western Regional Office of the National Park Service issued a report evaluating proposed additions to Death Valley, including Panamint Valley, Saline Valley, and Eureka Valley. The report concluded that Death Valley "needs to be rounded out with several additions to better represent and preserve a superb example" of the California Desert.

In 1979, the Desert Plan Staff of the BLM prepared its report on the possible addition of the Eureka-Saline area to the park system. Like the Park Service, the BLM staff found this area "provides some of the finest and most diverse scenery in the California Desert" and reported that "analysis of natural and cultural themes represented by the area lead one to the unavoidable conclusion that the area qualifies for inclusion into the National Park System as a National Park, or as an addition to Death Valley National Monument."

Most recently in January, 1987, the Western Regional Office of the National Park Service completed an analysis of the park proposals contained in S. 7 and concluded that additions to Death Valley would be desirable. The Park Service analysis identified Eurkea and Saline Valleys as areas of "inherent natural qualities of nationwide significance" which would add to the range of the phenomena already present in the monument." The Park Service also concluded Panamint and Greenwater areas contain important natural and cultural values worthy of protection and "the addition of these areas would also enhance the monument's manageability through better definition of boundary."

S. 7 adds these remarkable areas to Death Valley as recommended by the National Park Service and BLM.

The proposed additions to Joshua Tree comprise areas that were part of the original monument established in 1936 to protect various objects of historical and scientific interest. However, in 1950 lands were removed from the monument because of commercial mining activity at Eagle Mountain. Associated with the now defunct Kaiser Steel operations at Fontana, California, the Eagle Mountain mine has since closed. Fortunately some of these lands which were part of the monument were not mined and remain pristine and of national park caliber. S. 7 restores 245,000 acres of the previous deletions. In January 1987 the Western Regional Office of the National Park Service also recommended the addition of the Coxcomb Mountains and Eagle Mountain areas to Joshua Tree.

Lying between Death Valley and Joshua Tree is the vast Mojave Desert, an area of outstanding natural, cultural, historical, and recreational values now afforded only impermanent administrative protection as the East Mojave National Scenic Area. This area also has been evaluated by the BLM Desert Plan staff for its park potential and found to be highly qualified. The area contains sixteen mountain ranges, four dry lakes, a perennial stream, innumerable washes, mesas, buttes, badlands, cinder cones, lava beds, caves, California's most complex sand dune system, alluvial fans, bajadas, and many other expressions of geological and geographic interest. According to the BLM report "In all of the California Desert there is no finer grouping of different wildlife habitats." The report continues that "Many observers feel that the East Mojave embodies the finest scenery in the California Desert."

The Park Service's Western Regional Office 1987 report also recommends the addition of the East Mojave to the park system. According to the Park Service, "The proposed unit contains a rich array of highly significant natural and cultural resources. It would be difficult to find an area of similar size with as many outstanding sites." The Park Service further reports that although the BLM has the authority to protect important natural and cultural resources in the East Mojave, "the BLM is presently committed to management of the area on a mulitple use basis." Under the BLM "protection is not absolute and compromises must be made between resource preservation and economic activities such as mining and grazing."

S. 7 recognizes the park values of the East Mojave and provides the full statutory protection the area deserves by designating a 1.5 million acre Mojave National Park. The area involved is the same as the existing Scenic Area, with the exception of a small boundary change at Soda Springs where the boundary has been moved from the lakeshore to the ridgetop, adding about 6000 acres. The Mountain Pass mine owned by Molycorp and the associated claims on 47,520 acres dropped from the Scenic Area in 1982 remain outside the boundaries of the park. I want to inform the Subcommittee that the Mojave National Park map accompanying the bill is in error here. It should be revised to conform with the Scenic Area boundaries in the area of the Mountain Pass mine.

Additionally, the bill designates appropriate lands within all three parks as wilderness -- a 3.2 million Death Valley wilderness which incorporates the National Park Service's wilderness recommendations, 133,520 acres as additions to the existing Joshua Tree wilderness, and 747,940 acres as the Mojave wilderness.

Additional provisions include the transfer of 20,500 acres of BLM lands to the California Department of Parks and Recreation for inclusion in Red Rock Canyon State Park. The scenic cliffs of Red Rock Canyon are well known to travelers from southern California to the eastern Sierra. The area has been used many times as the setting for numerous western films. At the urging of local governments and citizens, the State of California in 1969 decided to establish this area as a state park.

It's my understanding the state was to acquire the private lands and that the BLM would transfer the surrounding federal lands necessary to complete the park. The state has virtually completed the private acquisitions, but the BLM has not conveyed its lands. My bill resolves the issue. The transfer is not intended to affect the City of Los Angeles' existing easement for power transmission lines.

The bill also gives statutory protection to the existing 2,040 acre Desert Lily Sanctuary. The Desert Lily grows only in the deep powder sand areas of the low desert -- very fragile land. The lily is vulnerable to flooding from higher elevations. But as a result of the sanctuary protection, the Desert Lily has survived in wet years, blooming by the thousands throughout the area. Statutory protection, as provided in my bill, will ensure that the BLM does not redesignate the area or reduce its size.

Finally, the bill designates the Indian Canyon National Historic Site, protecting an area now listed on the national register of historic places, but threatened by a golf course development. As the lands are not now in federal ownership, the legislation directs the Secretary of the Interior to acquire them by exchange. And to ensure continued Indian control over their use, the bill provides for a cooperative management agreement between Interior and the Agua Caliente Band of Cahuilla Indians, with title to the land held in trust by the United States for the Tribe.

I worked with the Tribal Council of the Agua Caliente Band of Cahuilla Indians in drafting this provision of the bill and revised the language to respond to the Tribe's desire that the lands be incorporated in the Reservation.

Mr. Chairman, the Administration and others have raised questions about the relationship of this bill to the California Desert Plan. Contrary to popular belief, S. 7 does not eliminate the California Desert Plan. The Desert Plan will continue to be the primary management tool for the Bureau of Land Management in its management of 9 million acres of the California Desert.

However, the Desert Plan has not been all that many of us hoped it would be in terms of protection of the very special, and highly sensitive resources of the California Desert. The plan was supposed to be a comprehensive management plan to protect and wisely develop the 12.1 million acres of BLM lands in the California Desert. But the original plan was defective from the outset because of a heavy bias toward resource-consumptive interests.

Many people were deeply disappointed in the final plan, not only environmentalists, but members of the scientific and educational community as well. They expressed their concerns at that time. Indeed, since significant changes were made by the BLM between the issuance of the final plan and approval by the Secretary of the Interior, there was much dissatisfaction at the time.

Nonetheless, as the Senate sponsor of the legislation to establish the California Desert Conservation Area and direct the BLM to develop a comprehensive management plan for the California Desert, I wanted to give the plan a chance to work.

Unfortunately, the plan has been further weakened by pro-development and ORV amendments, lax enforcement, and flawed implementation by the BLM.

This was a breach of faith with those who sought a strong Desert Plan.

Let me give an example of the kind of bad changes which have been made in the plan through the annual amendment process. In 1982 the BLM amended the desert plan to open the ecologically fragile Panamint Dunes to off-road vehicles. This was the very place the BLM had recommended as a wilderness study area. It took years of bitter contest before the Interior Board of Land Appeals, by unanimous vote, reversed the BLM and saved the dunes.

Through plan amendments the BLM also:

* Reactivated (in 1982) the Barstow-to-Las Vegas motorcycle race, a race previously halted in 1975 when the BLM determined it was too damaging to desert resources. Not only did the BLM reinstate the race, but also allowed over 1000 motorcycle participants to speed across a BLM designated wilderness study area and the East Mojave National Scenic Area.

* Dropped (in 1982) more than 47,500 acres from the East Mojave National Scenic Area to allow more mining development. The Scenic Area had been established to give the area permanent protection.

* Expanded (in 1982) the distance along roads where stopping, parking and camping is allowed, thereby dramatically increasing the amount of land impacted by vehicles. A Fish and Wildlife Service research team studying the effects of vehicle use found that where vehicles congregate for parking and camping vegetation was reduced by 95 percent.

Let's look at the enforcement record. I understand the BLM does not have enough rangers in the California Desert -- that's why I've asked the Appropriations Committee to augment the BLM budget to provide for additional rangers -- but the BLM has been reluctant to prosecute violators agressively and thus discourage future violations. Perhaps the most egregious of the many instances of lax enforcement was the case of a miner who had illegally bulldozed seven miles of road within the Saline Valley wilderness study area contiguous to Death Valley in 1985. Despite this previous gross violation, the BLM in May 1986 gave this same man permission to bulldoze another two miles of road within the study area, without adequate monitoring or bonding. He thereupon built an additional stretch of road illegally and in the process damaged a petroglyph-covered wall of archaeological value and constructed an unauthorized surface water diversion. And he never was cited for any of his offenses.

The implementation of the plan also has been seriously flawed. The three great promises of the plan for protecting the California desert were the designation of areas of critical environmental concern, special management of wilderness study areas to maintain their wilderness character, and restrictive "controlled" and "limited" use management zones. 79 areas of critical environmental concern have been designated, but as of October 1986 the BLM had completed management plans for only 36 of these ACECs and had not even started work for 20.

I've already cited failures to protect wilderness study areas, and I anticipate others today will offer additional examples. But I'd like to add that Secretary Hodel himself acknowledged at hearings conducted by the House Interior Committee in 1985 that some 1900 surface disturbing activities had taken place in 575 wilderness study areas throughout the west. Some 260 of these activities which impacted wilderness values took place in 91 of the 137 wilderness study areas in the California Desert. It's my understanding that 200 had the approval of the BLM while 60 did not.

Another failure in implementation has been the BLM decision to open areas within limited use management zones for unrestricted off-road vehicle use. Many of these ACECs contain archaeological sites, perhaps the most threatened of the desert's resources. The BLM has completed archaeological inventories on less than 6 percent of the California Desert, while there are numerous reported cases of vandalism of these sites.

Because of this situation, Congressional action is needed to stop the piecemeal destruction of the Desert resources the BLM plan has failed to protect over the last 6 years. Moreover, legislation is the next logical step to resolve the issue of which desert lands will receive park and wilderness status. The plan recommends wilderness, but only Congress can designate it.

Initially I consulted with the members of the California conservation community in developing this legislation. S. 2061 was introduced in February 1986. I asked for the public to comment on the bill, and in response to the input I received in 1986 amended the legislation when I reintroduced it as S. 7 in January of this year. I modified the legislation as requested by the California Lands Commission, several California utilities, the Agua Caliente Band of Cahuilla Indians, and others. I'll be listening very carefully to the testimony the public presents today and Thursday, and remain willing to amend the bill and make appropriate boundary changes as justified.

In drawing the boundaries, I have been very careful to exclude existing development activities. Utility corridors identified in the Desert Plan have deliberately been left open. Producing mines have been recognized. The bill specifically protects valid existing claims within the park areas. As you know, the Wilderness Act already permits mining of valid existing claims in wilderness areas. Also over 740,000 acres of designated open areas for off-road vehicles are unaffected by the legislation.

I anticipate the Administration will tell you the California Desert is one of the most diverse geologic regions and mineralized areas in the country and produces commodities which are vitally important. But I doubt the Administration can tell you that all this impressive mineral development is impacted in any way by S. 7. That's because mining is permitted under the bill.

The boundaries of park and wilderness areas have been drawn to minimize mining conflicts. A detailed review of BLM, Bureau of Mines, and Geological Survey maps, field reports, and geologic studies indicates that most significant reserves lie outside the proposed parks and wilderness areas. Moreover, there are no reserves of any of the 14 minerals considered strategic by the Office of Technology Assessment to be found anywhere in the California Desert.

Historically iron and borates have been the most valuable commodities produced in the California Desert. Iron is no longer produced. Regarding borates, the BLM's own data shows that 94 percent of the borate reserves in the California Desert are located in just two areas, Boron and Searles Lake. Both of these areas are outside proposed wilderness and park areas.

Other economically important minerals are sodium and calcium compounds and rare earths. Sodium and calcium compound reserves are also located in the Searles Lake area outside the proposed parks and wilderness areas. It's my understanding these reserves are sufficient to meet the needs for over 100 years at current levels of consumption.

With respect to rare earths, of particular importance to the new superconductor technology, it's my understanding the rare earth deposits outside the proposed park and wilderness areas are sufficient to meet the U.S. demand for 140 years at current consumption levels. Additionally, the patented rare earth claims are private property and thus are unaffected by the legislation. Mining also may proceed even on unpatented claims in both park and wilderness areas if the claimant can demonstrate the existence of economically recoverable deposits.

Finally, let me say that by volume and number of mines, today the single largest commodities produced in the California Desert are sand and gravel. Sand and gravel are found throughout the desert outside the proposed wilderness and park areas.

The Administration argues that we should not put lands which may have minerals which may have uses yet to be determined for society into parks and wilderness. Let me point out that minerals are not the only desert resources which may have uses yet to be determined. We should have equally strong concerns about plants, animals, soil, cultural remains and watershed values.

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While S. 7 would deny ORV enthusiasts access to some parts of the desert, the fact is the areas receiving the heaviest ORV use at present would not be affected by the bill. These are largely areas where they are already prohibited. The fact is, if S. 7 were enacted without change, there would still be 15,000 miles of unmaintained dirt routes -- enough to go half way around the world -- available for vehicular use. (Another 15,000 miles of paved and maintained dirt roads also would remain open.) Also the legislation does not affect 7,000 miles of vehicle accessible washes. In addition, over 740,000 acres of BLM open areas are outside the proposed parks and wilderness areas and remain available exclusively for ORV use. (Additionally more than 30,000 acres on state and private lands are available to ORVers.) Surely 770,000 acres -- an area the size of Rhode Island -- plus 15,000 miles of unmaintained dirt routes should be enough to satisfy any reasonable ORV user. Nonetheless, nothing in the bill would prevent the BLM from opening up new areas to ORV'ers -- areas where they presently are not authorized to go.

S. 7 fully protects the Desert Plan system of designated utility corridors and rights of way. This is one portion of the planning effort where a true consensus was reached and it is working well. Several developments have come along in the past six years, and all have been accommodated by the plan. The Administration may mention specific projects under consideration which need routes through the desert. But none are negatively impacted by S. 7. For example, the All American and Pacific-Texas pipelines as well as the proposed new gas lines now under consideration by the Federal Energy Regulatory Commission and the BLM all use corridors unaffected by the bill. These corridors also have room for additional future development. I have provided maps to Southern California Gas Company, Los Angeles Department of Water and Power, Southern California Edison and other California utilities to ensure that the maps correctly reflect the intention of my legislation to recognize BLM corridors and allow adequate room for growth.

Regrading grazing, S. 7 would terminate grazing in the East Mojave when current grazing permits expire. While there are 37,216 animal unit months of forage consumption for 8 livestock operations, this amounts to only 3,100 head of cattle, not a major contribution to the economy of the state or even the local area. Nonetheless, I am looking at the question of grazing and the impact of the bill on ranching families in the East Mojave. As you know, grazing is permitted in BLM wilderness areas.

Before closing, let me comment on impacts on military facilities and activities in the California Desert. In testimony before the House Interior Subcommittee on Public Lands on July 10, the military appeared to voice total opposition to S. 7 based on a number of specific concerns. I believe all of these concerns can be resolved as I work with the Senate Committee in the context of area by area consideration. In fact, one concern involving access through the proposed Cleighorn Lakes Wilderness to the Twenty-nine Palms Marine Corps Base has been addressed in the bill and is not a problem despite the military's testimony before the House Subcommittee. My staff has requested from the military more detailed information on the other issues so we can resolve any real conflicts. I am confident that national defense and public land protection needs can be met to the mutual satisfaction of both.

Mr. Chairman, I look forward to what other witnesses have to say today and Thursday and am willing to modify S. 7 as warranted. I hope we will be able to move forward with a bill which meets legitimate economic needs and diverse recreation uses and protects the California Desert for all time.

Senator **Bumpers**. Senator Cranston, thank you very much for your compelling and poignant statement, and my personal thanks to you for the introduction of this very comprehensive bill.

Senator Wallop, do you have any questions of Senator Cranston?

Senator **Wallop**. No, Mr. Chairman, but I have an observation. And the observation is not about to be couched in the usual senatorial courtesies.

Senator **Bumpers**. You're going to get mean. Is that what you are trying to tell us?

Senator **Wallop**. Absolutely. [Laughter.]

I am not trying to get mean, but I am going to do, in the presence of the person who I am talking to, what Senator Cranston refused to do.

I did not take lightly or kindly to your gratuitous lectures and fatuous remarks, Senator. I believe it demeans the dignity of this hearing and the purpose for which we gather here which is to determine the relative validity and the propositions contained within your bill. But you impugned the integrity of a good and honest public servant. It plays good on TV at home, and he is not here to respond.

He has a mandate I presume you would have him ignore. That mandate is, in addition to protecting, to develop. It has been the bedevilment of a succession of Secretaries of the Interior all of whom who have in one way or the other be been pulled by the dual obligation that is contained within that office.

Your disagreement with one level of balance or the other has nothing to do with why we gather here and look at this bill. It seems to me that it is typical of the bullying habits that this Congress has allowed itself to wallow in over the last few years, and it is getting worse not better.

There is a man that is not present. His response will not be on TV and you may think it is heroic. But others and even those who agree with you on the basic purposes contained in your bill would, I think, call it an unfair ad hominem attack on a man who is trying to do a job that perhaps you disagree with. And well you might. That is the system that we operate under. But I do not think it fair or seemly to impugn his integrity in his absence.

Senator **Cranston**. All I will say in response is he will have his opportunity. He has had it in the past. He will have it in the future to make his comments. But my comments were based upon my judgment of his record.

Senator **Wallop**. Senator, it may well be your judgment of his record, but I dare say when he gathers to make his comments on this, it will not include an ad hominem attack on the senior Senator from California because he has too much decency for that.

Senator **Bumpers**. Well, let me just say that I thought you were excessive, Alan, when you said it made you yearn for James Watt. Nothing has ever made me yearn for James Watt. [Laughter.]

Thank you very much.

Senator **Cranston**. Thank you.

Senator **Bumpers**. Our next witness—and let me say at this point that we have 15 witnesses yet to hear from, and we had originally set a five minute timetable. We are not going to be able to finish this afternoon for the first segment of the hearings if we do not confine the time. I reluctantly and regrettably will have to impose the five minute time limit on future witnesses. I might make an exception for Steve Griles and Robert Burford, if you want to defend your boss, for a little extra time. But I do want to finish with all the witnesses this afternoon so we can start afresh on Thursday. We have 40 witnesses on Thursday. It is going to be a very long day.

And with that, our next witness is the Honorable Duncan Hunter, Congressman from the State of California. Is Congressman Hunter here? I am glad. There is five minutes saved.

Mel Levine. Congressman Levine is the sponsor of the companion bill in the House. And Congressman Levine, we are very pleased to have you.

STATEMENT OF HON. MEL LEVINE, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. LEVINE. Senator, thank you very much. And with the five minute admonition, I was hastily trying to pare these remarks down.

Let me ask unanimous consent, if I might, to include a lengthier statement in the record, and try to summarize that statement within your time limitation.

Senator BUMPERS. Your full statement will be admitted for the record.

Mr. LEVINE. Thank you, Mr. Chairman.

First, let me join Senator Cranston to tell you how appreciative I am that you are holding these hearings on the California Desert Protection Act. I appreciate very much the opportunity to testify before your subcommittee.

And I am also very pleased to be here with my friend and colleague from the House, Rick Lehman, with whom I have been working very closely to insure protection of the desert's vast and irreplaceable resources.

I would also like to emphasize the pleasure that I have in joining Senator Cranston in the effort to pass the California Desert Protection Act. During my tenure in Congress, I have had the opportunity to work closely with the Senator in his efforts to protect California's natural resources. And it has consistently been a real privilege of mine to work closely with him, first, in efforts to protect our coastline and now in efforts to protect our desert. And I think it is no secret to you, Mr. Chairman, and to your colleagues that Senator Cranston's leadership has been absolutely indispensible both to Californians and other Americans in protecting these resources for future generations.

Mr. Chairman, despite the seeming endurance of the desert habitat, the desert's ecological resources are extremely fragile. And I commend the remarks that you made with regard to the fragility of some of these resources and therefore the need to move expeditiously even though carefully with regard to the development of this legislation.

The intrusion of man in the desert always leaves a permanent mark. One pass of a motorized vehicle over the desert is sufficient to destroy the plant life and prevent regeneration. This does not mean we should not venture, but rather that we should tread lightly.

I believe all of us, regardless of philosophical or political party, Democrats and Republicans alike, have an obligation to see that public lands are managed properly. It is my hope that this legislation will have the bipartisan support that it deserves, and I am delighted that it has gained the kind of bipartisan support that has been demonstrated for it throughout the State of California.

Valuable mineral deposits should be developed, but the land must be reclaimed. People who enjoy off-road vehicle use should have access to the desert, but not to every last acre. ORVs impact the land and our desert could not possibly withstand such use everywhere. We should use the desert as a passageway for energy and water, but we must carefully plan where those corridors will go.

Unfortunately, under the Watt-Hodel regime of land management, the desert in fact has been assaulted. It is sadly a common story nationwide. Without in my view impugning anybody's integrity but calling into question the somewhat reckless policies of both James Watt and Donald Hodel, rather than responsibly managing the desert in these capacities, Mr. Watt and Mr. Hodel have cared for the desert as though it were nothing more than a wasteland.

Secretary Hodel's model for desert protection is inadequate in design and halfhearted in enforcement. It is a tragedy that Mr. Watt and Mr. Hodel, while charged with stewardship of the environment, have acted more like its auctioneer.

In the desert the current scheme of management zoning has failed to protect the natural resource base. Under the 1980 desert management plan developed in accordance with the Federal Land Policy and Management Act of 1976, four management zone classes were devised. While FLPMA requires that the wilderness study areas be protected until Congress makes final wilderness recommendations, the wilderness study areas are often not afforded the most protective zone classification. The management criteria for each class are so broad that extensive ORV use goes on in some wilderness study areas.

Second, the interim management plan developed specifically to protect the wilderness study areas fails the spirit of FLPMA. I have outlined the reasons for that in my statement, and I will submit that for the record, seeing the yellow light.

The third area of critical environmental concern, which FLPMA established for lands holding special environmental values that do not necessarily qualify as wilderness, have been paraded as a substitute for wilderness designation.

And finally, the 1980 desert management plan failed to make adequate wilderness recommendations of the 12 million acres administered by the Bureau of Land Management, 5.6 million of which were inventoried as WSAs.

Mr. Chairman, I do want to make one other specific comment while leaving a number of these details for the record in light of the five minute time frame, and that comment is this. I would like to make absolutely clear that my dismay over the policies of this Department are not reflective of my experience with the BLM staff or management in California itself.

And I want to emphasize in closing that as guests of the BLM last spring, both I and my staff were extremely impressed by the dedication and the level of expertise that the BLM exhibited. As we fired away questions ranging from cacti to geology, the staff remarkably answered each as though he or she was a specialist on the subject. Their personal commitment to the desert was reassuring.

And moreover, the California BLM is ably directed by Ed Hastey, a veteran with the agency both here and in the State. His outstanding ability as manager and a leader is well-known.

In light of the five minute time limit and the red light that I do so, I will ask if I can submit a variety of detailed specifics that I had intended to provide orally to the subcommittee and tell you that I look forward to a continuing dialogue with the BLM, as Senator Cranston and I attempt to move our legislation both through the House and the Senate. I want to thank you very much, Mr. Chairman, for your time.

[The prepared statement of Mr. Levine follows:]

WRITTEN TESTIMONY OF THE HONORABLE MEL LEVINE
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
THE CALIFORNIA DESERT PROTECTION ACT
JULY 21, 1987

MR. CHAIRMAN, I AM EXTREMELY PLEASED THAT YOU ARE HOLDING HEARINGS ON THE CALIFORNIA DESERT PROTECTION ACT AND VERY MUCH APPRECIATE THE OPPORTUNITY TO TESTIFY BEFORE YOUR SUBCOMMITTEE. I AM PLEASED TO BE HERE WITH MY FRIEND AND COLLEAGUE, RICK LEHMAN WITH WHOM I AM WORKING CLOSELY IN THE HOUSE TO ENSURE PROTECTION OF THE DESERT'S VAST AND IRREPLACABLE RESOURCES.

AS YOU ARE AWARE, I HAVE INTRODUCED LEGISLATION IN THE HOUSE IDENTICAL TO SENATOR CRANSTON'S BILL BEFORE YOU TODAY. IT IS WITH GREAT PLEASURE THAT I JOIN SENATOR CRANSTON IN THIS EFFORT. DURING MY THREE TERMS IN CONGRESS I HAVE HAD THE OPPORTUNITY TO WORK VERY CLOSELY WITH HIM IN EFFORTS TO PROTECT CALIFORNIA'S NATURAL RESOURCES. PERSONALLY, IT HAS BEEN A PRIVILEGE TO WORK WITH HIM TO PROTECT OUR COASTLINE AND I AM NOW VERY PLEASED TO HAVE THE OPPORTUNITY TO WORK WITH HIM TO PROTECT OUR DESERT. SENATOR CRANSTON'S LEADERSHIP HAS BEEN ABSOLUTELY INDISPENSIBLE IN PROTECTING THESE RESOURCES FOR FUTURE GENERATIONS.

WHILE THE CALIFORNIA DESERT IS COMPRISED OF TRULY UNIQUE ECOSYSTEMS WITH AN ABUNDANCE OF NATURAL RESOURCES, THESE RESOURCES ARE THREATENED BY THE CURRENT ADMINISTRATION'S UNWILLINGNESS TO PROTECT THEM AS CONGRESS HAS MANDATED. AT THE SAME TIME THERE IS MUCH CONFUSION AND CONTROVERSY SURROUNDING OUR BILL. IT IS MY HOPE THAT THESE HEARINGS WILL ELIMINATE THE CONFUSION AND FOCUS THE DEBATE ON THE REAL ISSUE OF DESERT PROTECTION.

DESPITE ITS ARID CLIMATE AND HARSH ENVIRONS, THE DESERT LANDS PLAY HOST TO 350 VERTEBRATE SPECIES OF WILDLIFE, INCLUDING THE RUGGED DESERT BIGHORN SHEEP AND 1200 VARIETIES OF PLANTLIFE INCLUDING ACRE UPON ACRE OF SPRING WILDFLOWERS.

THE GEOLOGY OF THE DESERT IS INCREDIBLE. STANDING ATOP THE WHITE SANDS OF THE 700 FOOT HIGH EUREKA DUNES, AS I DID THIS PAST APRIL, ONE SEES TO THE WEST - THE SLOPES OF THE INYO MOUNTAINS STUDDED WITH PINION PINE TREES, TO THE EAST - THE AMAZING 500 FOOT HORIZONTAL BANDS OF ANCIENT GOLD, RED, AND BROWN OCEAN SEDIMENTS WHICH FORM THE LAST CHANCE MOUNTAIN RANGE, TO THE SOUTH - THE DISTANT SALINE MOUNTAIN RANGE AND DIRECTLY BELOW - THE FLAT DESERT FLOOR OF THE EUREKA VALLEY.

DENNIS CASEBIER, A LOCAL HISTORIAN REFERS TO THE DESERT AS "A LIVING MUSEUM". THE DESERT HAS BEEN USED FOR CENTURIES, ORIGINALLY BY PREHISTORIC INDIANS WHO LEFT BEHIND PETROGLYPHS AND INTAGLIOS, AND LATER BY THE PIONEERS OF THE WILD WEST WHO CROSSED THE DESERT TO REACH THE PACIFIC COAST OR SETTLED THERE TO SEEK THEIR FORTUNE IN GOLD.

DESPITE THE SEEMING ENDURANCE OF THE DESERT HABITAT, THE DESERT'S ECOLOGICAL RESOURCES ARE EXTREMELY FRAGILE. THE INTRUSION OF MAN ALWAYS LEAVES A PERMANENT MARK. ONE PASS OF A MOTORIZED VEHICLE OVER THE DESERT IS SUFFICIENT TO DESTROY THE PLANTLIFE AND PREVENT REGENERATION.

THIS DOES NOT MEAN WE SHOULD NOT VENTURE, BUT RATHER THAT WE MUST TREAD LIGHTLY. WE ... ALL OF US... DEMOCRATS AND REPUBLICANS ALIKE, HAVE AN OBLIGATION TO SEE THAT PUBLIC LANDS ARE MANAGED PROPERLY. THAT MEANS THAT VALUABLE MINERAL DEPOSITS SHOULD BE DEVELOPED, BUT THE LAND MUST BE RECLAIMED. IT MEANS THAT PEOPLE WHO ENJOY OFF-ROAD VEHICLE USE SHOULD HAVE ACCESS TO THE DESERT, BUT NOT TO EVERY LAST ACRE. ORV'S IMPACT THE LAND AND OUR DESERT COULD NOT POSSIBLY WITHSTAND SUCH USE EVERYWHERE. IT MEANS THAT WE SHOULD USE THE DESERT AS A PASSAGEWAY FOR ENERGY AND WATER, BUT THAT WE MUST CAREFULLY PLAN WHERE THOSE CORRIDORS WILL GO.

UNFORTUNATELY, UNDER THE WATT/HODEL REGIME OF LAND MANAGEMENT, THE DESERT HAS BEEN ASSAULTED. IT IS SADLY A COMMON STORY

NATIONWIDE. RATHER THAN RESPONSIBLY MANAGING THE DESERT AS SECRETARY OF THE INTERIOR, OVER THE LAST SIX YEARS I HAVE WATCHED JAMES WATT AND NOW DONALD HODEL CARE FOR THE DESERT AS THOUGH IT WERE NOTHING MORE THAN A WASTELAND.

SECRETARY HODEL'S MODEL FOR DESERT PROTECTION IS INADEQUATE IN DESIGN AND HALF-HEARTED IN ENFORCEMENT. IT IS A TRAGEDY THAT JAMES WATT AND DONALD HODEL, WHILE CHARGED WITH STEWARDSHIP OF THE ENVIRONMENT, HAVE ACTED MORE LIKE ITS AUCTIONEERS. IN THE DESERT, THE CURRENT SCHEME OF MANAGEMENT ZONING HAS FAILED TO PROTECT THE NATURAL RESOURCE BASE. UNDER THE 1980 DESERT MANAGEMENT PLAN DEVELOPED IN ACCORDANCE WITH THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976, KNOWN AS "FLIPMA", FOUR MANAGEMENT ZONE CLASSES WERE DEVISED. ON PAPER THEY APPEAR TO PROVIDE ALL THE MANAGEMENT ANSWERS, BUT IN REALITY, THEY HAVE NOT. WHILE FLPMA REQUIRES THAT THE WILDERNESS STUDY AREAS - WSA'S - BE PROTECTED UNTIL CONGRESS MAKES FINAL WILDERNESS RECOMMENDATIONS, THE WSA'S ARE OFTEN NOT AFFORDED THE MOST PROTECTIVE ZONE CLASSIFICATION. THE MANAGEMENT CRITERIA FOR EACH CLASS ARE SO BROAD THAT EXTENSIVE ORV USE GOES ON IN SOME WSA'S. IN MANY CASES, DAMAGING ACTIVITIES ARE ALLOWED IN THE PROTECTED CLASSES, AS WELL AS THE LESS RESTRICTIVE CLASSES. AND THE BORDERS DEFINING MANAGEMENT ZONES HAVE OFTEN BEEN DRAWN TO REFLECT THE LOCATION OF EXISTING ROADS RATHER THAN WITH CONCERN FOR THE NATURAL BOUNDARIES OF THE ECOLOGY.

SECOND, THE INTERIM MANAGEMENT PLAN DEVELOPED SPECIFICALLY TO PROTECT THE WSA'S FAILS THE SPIRIT OF FLPMA. RATHER THAN PROTECTING EACH WSA AS AN ECOLOGICAL UNIT, THE DEPARTMENT OF INTERIOR HAS TREATED EACH ACTIVITY AS SITE-SPECIFIC. AS LONG AS DEVELOPMENT OR ORV USE DO NOT IMPAIR THE ENTIRE WILDERNESS STUDY AREA AND CREATE ONLY IMPACTS WHICH CAN BE REHABILITATED, THESE ACTIVITIES ARE DEEMED TO BE APPROPRIATE. THE DEPARTMENT OF THE INTERIOR HAS THUS DECIDED TO PROTECT ONLY TECHNICAL SUITABILITY FOR WILDERNESS DESIGNATION, NOT THE WILDERNESS VALUES THEMSELVES.

THIRD, AREAS OF CRITICAL ENVIRONMENTAL CONCERN - ACEC'S - WHICH FLPMA ESTABLISHED FOR LANDS HOLDING SPECIAL ENVIRONMENTAL VALUES THAT DO NOT NECESSARILY QUALIFY AS WILDERNESS HAVE BEEN PARADED AS A SUBSTITUTE FOR WILDERNESS DESIGNATION. THE 655,000 ACRES OF ACEC'S WHICH FOR THE MOST PART ARE NOT LOCATED IN THE WSA'S AND WOULD NOT QUALIFY AS WILDERNESS, ARE BY NO MEANS A SUBSTITUTE FOR THE 4.5 MILLION ACRES OF BLM WILDERNESS IN MY BILL. MOREOVER, THE ACEC'S THEMSELVES HAVE RECEIVED INADEQUATE MANAGEMENT OVERSIGHT. AT THE END OF LAST YEAR, LESS THAN HALF OF THE ACEC'S HAD MANAGEMENT PLANS.

FINALLY, THE 1980 DESERT MANAGEMENT PLAN FAILED TO MAKE ADEQUATE WILDERNESS RECOMMENDATIONS. OF THE 12 MILLION ACRES ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT, 5.6 MILLION WERE INVENTORIED AS WSA'S. THE ORIGINAL RECOMMENDATION FOR WILDERNESS DESIGNATION

WAS APPROXIMATELY 2.1 MILLION ACRES. SINCE THAT TIME, THE PLAN HAS BEEN AMENDED TO REDUCE THE RECOMMENDATION TO APPROXIMATELY 1.8 MILLION ACRES. THIS DOES NOT BEGIN TO OFFER THE NEEDED LEVEL OF PROTECTION FOR THE DESERT'S NATURAL RESOURCES.

EXAMPLES OF THE INTERIOR'S LACK OF COMMITMENT TO CALIFORNIA'S DESERT ARE ASTONISHING. IN 1985, A MINING PLAN WAS APPROVED WHICH WOULD REMOVE AN ENTIRE RIDGE BY EXCAVATING 150,000 TONS OF MATERIAL PER YEAR FOR AT LEAST FIVE YEARS IN THE MECCA HILLS WSA. THIS ACTIVITY WAS DEEMED TO BE NONIMPAIRING OF SUITABILITY FOR WILDERNESS DESIGNATION. FORTUNATELY, THE OPERATOR HAS NOT EXERCISED HIS OPTION TO DEGRADE THIS AREA. IN THE INYO MOUNTAINS WSA, THE BUREAU OF LAND MANAGEMENT WAS FORCED TO SPEND OVER $12,000 IN 1985 TO REMOVE DRUMS OF SODIUM CYANIDE. THESE WERE LEFT BY A MINER WHO WAS ALLOWED TO INITIATE ACTIVITIES WHILE HIS MINING PLAN WAS BEING APPROVED AND ALLOWED TO DO SO WITHOUT ANY BONDING. THE PLAN WAS ULTIMATELY THROWN OUT BY THE INTERIOR BOARD OF LAND APPEALS BECAUSE OF A LAWSUIT BROUGHT BY CONSERVATIONISTS. THE MINE OPERATOR ULTIMATELY ABANDONED THE SITE. THE BLM HAS ESTIMATED IT COULD COST UP TO $100,000 TO FULLY RECLAIM THE SITE.

MY CONCERN NOW IS THAT THE UNCONTROLLED THREATS TO THE DESERT HAVE GROWN SO NUMEROUS. THERE ARE A MULTITUDE OF LEGITIMATE USES OF THE DESERT RESOURCE. HOWEVER A DETERMINATION MUST BE MADE AS

TO WHICH LANDS CAN BE APPROPRIATELY USED FOR EACH. ADDITIONALLY, PROTECTION MUST BE PROVIDED AGAINST THOSE WHO WOULD KNOWINGLY MISUSE OUR PUBLIC LANDS. UNTIL CONGRESS ADDRESSES THESE TWO ISSUES, UNBRIDLED LAND DEGRADATION WILL CONTINUE.

THE SOLUTION LIES IN RECOGNIZING THAT THERE ARE CERTAIN AREAS THAT ARE NOT SUITABLE FOR RESOURCE DEVELOPMENT. THEIR PREMIER ECOLOGICAL AND SCENIC SIGNIFICANCE ARE BEST SERVED BY THE NATIONAL PARK SERVICE BECAUSE OF ITS SPECIAL AND VERY SPECIFIC MANDATE TO PRESERVE RESOURCES WHILE PROVIDING FOR VISITOR ENJOYMENT. THE PARK SERVICE HAS A CLEAR AND PROUD RECORD OF PROVIDING THE REQUISITE PROTECTION OF WILD LANDS, THE POLITICAL WILL TO OBTAIN THE NEEDED RESOURCES, AND THE CLEAR MANDATE FOR PRESERVATION WHILE PROVIDING FOR RECREATIONAL USE. FOR THE REMAINDER OF THE LANDS WHOSE HIGHEST AND BEST USE DICTATE PRESERVATION OF WILDERNESS VALUES, THE SOLUTION LIES IN WILDERNESS DESIGNATION OF BLM LANDS.

IT IS UNFORTUNATE THAT THE INTRODUCTION OF THE CALIFORNIA DESERT PROTECTION ACT HAS CREATED CONTENTIOUS DEBATE AMONG INDIVIDUALS WHOM I BELIEVE ALL HAVE THE SAME PURPOSE IN MIND. THAT IS THE PURE PLEASURE OF BEING IN THE OUT-OF-DOORS UNDISTURBED BY THE INTRUSION OF MAN. THE DESERT'S COMPLEXITY AND NATURAL BEAUTY ARE SIMPLY MAGNIFICIENT. EACH INDIVIDUAL FINDS HIS OR HER OWN WAY OF

ENJOYING THE WIDE OPEN EXPANSE OF THE DESERT. WITH 25 MILLION ACRES, THERE IS PLENTY FOR EVERYONE.

THIS HIGHLY CHARGED REACTION HAS BEEN COMPOUNDED BY AN ILL-CONCEIVED PERCEPTION THAT THIS BILL FOREVER CLOSES OFF THE LAST BASTION OF THE WILD WEST. THIS IS SIMPLY WRONG.

IT IS CRITICAL TO UNDERSTAND THAT OUR LEGISLATION ACCOMODATES ALL FORMS OF DESERT LAND MANAGEMENT. NEARLY A DECADE OF THOUGHTFUL PLANNING HAS GONE INTO THE CALIFORNIA DESERT PROTECTION ACT. AS A RESULT, IT PRESERVES ALL CURRENT FORMS OF DESERT RECREATION AND DEVELOPMENT WHILE FINALLY PROVIDING BADLY NEEDED DESERT PROTECTION FOR THE DESERT'S NATURAL RESOURCES.

PUBLIC ACCESS TO THE DESERT WILDLANDS IS VERY IMPORTANT. IN FACT, 30,000 MILES OF ROAD WOULD STILL WIND THROUGH THE REGION AFFECTED BY THE BILL, HALF OF WHICH ARE UNMAINTAINED DIRT ROUTES. THIS IS ENOUGH ROAD TO GO AROUND THE EARTH MORE THAN ONCE. AS YOU KNOW IN THE 4.5 MILLION ACRES OF WILDERNESS, CAMPING, HIKING, HORSEBACK RIDING, ROCKHOUNDING, HUNTING AND GRAZING WILL CONTINUE. WITHIN AN ESTIMATED EIGHTY FIVE PERCENT OF THE WILDERNESS ACREAGE THERE IS NO POINT WHICH IS FURTHER THAN THREE MILES FROM A ROAD. AND THE LANDS TO BE ADDED TO THE NATIONAL PARK SYSTEM WILL CONTINUE TO BE OPEN FOR FAMILY RECREATION.

EXTENSIVE OFF-ROAD VEHICLE USE WILL CONTINUE LARGELY AS IT IS TODAY. THE BOUNDARIES OF THE WILDERNESS AREAS WERE DRAWN AROUND ALL EXISTING ROADS AS THEY ARE LEGALLY DEFINED. APPROXIMATELY 775,000 ACRES OF LAND WILL BE AVAILABLE FOR ORV PLAY AREAS. THESE LANDS INCLUDE MOST OF THE POPULAR PLAY AREAS AND TOGETHER COVER AN AREA ROUGHLY THE SIZE OF RHODE ISLAND. THE ROUTE OF THE LARGEST AND MOST POPULAR ORV EVENT, THE BARSTOW TO VEGAS RACE, IS LEFT LARGELY UNTOUCHED.

MINES NOW IN PRODUCTION HAVE BEEN EXCLUDED FROM DESERT BILL BOUNDARIES. ANY VALID EXISTING CLAIMS ON DESIGNATED LANDS WILL BE PROTECTED BY EITHER REGULATED DEVELOPMENT OF CLAIMS OR FEDERAL BUYOUTS.

PROPOSED UTILITY CORRIDORS, MATCHING THOSE DESIGNATED IN THE 1980 BLM PLAN, ARE LEFT OUT OF THE PARK AND WILDERNESS DESIGNATIONS.

GRAZING WOULD CONTINUE IN WILDERNESS. NOT SURPRISINGLY, THE DESERT ONLY ACCOUNTS FOR .3% OF ALL BEEF PRODUCTION IN CALIFORNIA. IN PARK AREAS, GRAZING PERMITS CANNOT BE RENEWED AND THUS WOULD BE PHASED OUT WHEN THE PERMITS EXPIRE. IN THE MOJAVE THERE ARE SEVERAL FAMILY RANCHES THAT WOULD BE AFFECTED BY THE CREATION OF THE MOJAVE NATIONAL PARK AND IT IS IMPORTANT THAT WE ADDRESS THEIR NEEDS. I HAVE HEARD SEVERAL SUGGESTIONS AND AM

CERTAINLY WILLING TO TRY TO ACHIEVE THE FAIREST AGREEMENT POSSIBLE.

FINALLY, 4.6 MILLION ACRES OF BLM ADMINISTERED LANDS ARE LEFT FOR UNRESTRICTED MULTIPLE-USE MANAGEMENT BY THE BLM. THESE LANDS ARE LOGICALLY IN THE MOST INTENSELY DEVELOPED AREAS WITH THE HIGHEST CONCENTRATION OF USE.

THIS LEGISLATION IS NOT SIMPLY A MATTER OF PAROCHIAL INTEREST TO ONLY THOSE THAT RESIDE IN RURAL DESERT COMMUNITIES. I INTRODUCED THE CALIFORNIA DESERT PROTECTION ACT EARLIER THIS YEAR OUT OF A PERSONAL COMMITMENT TO PROTECTION OF PUBLIC LANDS AND BECAUSE THE CALIFORNIA DESERT IS ENJOYED BY MY OWN CONSTITUENTS IN LOS ANGELES, URBAN DWELLERS OUTSIDE MY DISTRICT, AND VISITORS FROM AROUND THE NATION. TOURISTS FROM ALL OVER THE COUNTRY COME TO VISIT THE DESERT.

IN CLOSING IT IS IMPORTANT TO MAKE ABSOLUTELY CLEAR THAT MY DISMAY OVER THE INTERIOR'S POLICIES ARE NOT REFLECTIVE OF MY EXPERIENCE WITH THE BLM STAFF OR MANAGEMENT IN CALIFORNIA. AS GUESTS OF THE BLM LAST SPRING, BOTH I AND MY STAFF WERE UNUSUALLY IMPRESSED BY THE DEDICATION AND LEVEL OF EXPERTISE THE BLM EXHIBITED. AS WE FIRED AWAY QUESTIONS RANGING FROM CACTI TO GEOLOGY, THE STAFF REMARKABLY ANSWERED EACH AS THOUGH HE OR SHE WAS A SPECIALIST ON THE SUBJECT. THEIR PERSONAL COMMITMENT TO

THE DESERT WAS REASSURING. MOREOVER, THE CALIFORNIA BLM IS ABLY DIRECTED BY ED HASTEY, A VETERAN WITH THE AGENCY BOTH HERE AND IN THE STATE. HIS OUTSTANDING ABILITY AS A MANAGER AND LEADER IS WELL-KNOWN.

I LOOK FORWARD TO A CONTINUING DIALOGUE WITH THE BLM AS SENATOR CRANSTON AND I MOVE OUR LEGISLATION THROUGH THE HOUSE AND SENATE. THANK YOU AGAIN FOR YOUR TIME, MR. CHAIRMAN.

Senator **Bumpers**. I have no questions of you, Congressman Levine, except I want to thank you for your testimony and for being with us this afternoon.

Senator Wallop, Senator Wilson? No questions.

Thank you, Congressman.

Mr. **Levine**. Thank you, Mr. Chairman.

Senator **Bumpers**. Our next witness is Rick Lehman, Congressman from the State of California and a frequent visitor to this subcommittee of late.

Mr. **Lehman**. Thank you, Mr. Chairman.

Senator **Bumpers**. Are you being friendly with the director there so you can say nasty things about him now? [Laughter.]

Please proceed, Rick.

STATEMENT OF HON. RICHARD H. LEHMAN, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. **Lehman**. Thank you, Senator. I appreciate the opportunity to testify today on California's desert legislation.

I want to particularly commend Senator Cranston for his courageous leadership on what I believe is the most complex natural resource issue in California today. I know the depth of his personal commitment to this issue, and I believe he deserves our thanks for his steadfastness in setting the highest goals for the California desert. He has shown us what the top of the mountain looks like so that we may climb as far as we possibly can.

I would also like to complement my colleague, Mel Levine, who has introduced a companion measure in the House. I represent a portion of the California desert, and have introduced my own legislation which is similar, though not identical, to the Cranston legislation.

I would also like to say a word about California State BLM Director Ed Hastey. We have worked together on numerous public land matters. He is a highly competent, qualified, hands-on manager.

In my view California desert protection legislation is quite simply a normal step in the wilderness process and nothing more.

Mr. Chairman, the California desert is a vast and mysterious land, a land far more subtle than our Sierra Mountains, a land wild and untamed in contrast to our cultivated agricultural valleys, a stark and unpopulated land juxtaposed against the nearby urban sprawl of Southern California.

At the northern most tip of the desert lie the small gems of the high desert with year-round streams flowing through cottonwoods and faraway views of the White Mountain. Four years ago at my insistence, this Congress recognized the need to grant special protection to the Mono Basin which surrounds the northern California desert's crown jewel, Mono Lake.

Further south you will find the best kept secret of the desert, remote stretches of land in the Saline Valley surrounded by jagged mountains and vistas that seem to go on forever, where man's footprints are hardly seen at all, where hidden waterfalls flow, and wild vineyards grow in hillsides.

And if you travel still further south, you will come face to face with the Lonesome Triangle, or the East Mojave, a land of enormous variety with steep, rugged mountains descending to valleys of sand and creosote where man has often left his indelible signature.

Accidents of geography have made this land especially vulnerable to human exploitation. The East Mojave is crisscrossed by seven transmissions lines, gas corridors, two interstate highways and railroads. All these arteries feed into the population centers of the south from disparate parts of the west. The landscape here is checkerboarded with private property, which makes the conflicts all the more difficult to resolve. In spite of these intrusions, the land has retained its character and the BLM has acknowledged its special nature by including major portions of it in the East Mojave Scenic Area.

The California desert is an interesting and awesome part of our American landscape, a land whose deceivingly harsh looks belie an abundant but fragile life system in need of care and protection.

All of us who use and care for the California desert face some very tough decisions ahead. How much wilderness should be designated and where? Which agency can best manage the most fragile and significant desert resources? Is it right to phase out grazing in areas where five generations of the same family have operated for over 100 years? Should all mineral potential be accommodated, or should be only accommodate actual deposits? Can we accommodate future utility needs in existing corridors? Should we give special considerations to areas with endangered species or areas with special cultural significance? Can military overflights of wilderness or park areas be accommodated, or would this set a dangerous precedent for other areas of national significance? Can the ORV users' desire for unfettered desert recreation be balanced with the need to protect some of this desert from soil erosion, poor air quality, and archaeological damage?

Mr. Chairman, if these questions are obvious, the answers are far more obscure. We appreciate your willingness to help us find these answers.

I urge the committee to consider two important points as you review the complexities surrounding the California desert.

First, regardless of which agency is given management authority, I believe strict legislative management guidelines are imperative. This is particularly true for areas in close proximity to our huge urban areas which obviously exert tremendous pressure on our natural resources.

Second, with or without strict legislative guidelines, to be properly managed additional funding is desperately needed for the California desert.

In the State of California the U.S. Forest Service and the BLM each manage between 18 million and 20 million acres of land. The Forest Service has eight times the number of employees and 12 times the budget of the BLM. Each BLM employee on the average manages over 73,000 acres of land and has 44 cents per acre to do it. Today 22 BLM rangers must cover an area the size of Ohio. Each ranger is responsible for patrolling over a half million acres. Each year the desert area sees 16 million visitor use days, and this heavy recreation is up 50 percent since 1981.

The job we have asked them to do is monumental; yet, the resources we have allocated them are minuscule. Crimes against resources and crimes against people will continue if we do not come to grips with the fiscal implications of desert management.

As we look at all these complex facets of desert management, I believe that reasonable people can make reasonable accommodations where conflicts occur. Fortunately there is enough quality land in the desert to allow for most legitimate uses.

I also believe that past reliance on the desert for mineral extraction and utility and transportation construction has to be modified in the future to accommodate other concerns such as protecting endangered species and rare, natural terrain features.

I also believe that granting national park status to Joshua Tree and Death Valley is warranted and should be broadly supported throughout California.

I would, however, throw out this slender thread of reservation to those who are gung-ho for creating new national parks and for expanding existing ones. Let's be sure that labeling an area a national park is the best way to protect it before moving blindly forward. If such status means the construction of hotels, motels, restaurants, gas stations, gift shops, roads and parking lots and brings million of new sightseers and recreation seekers to the area, thus creating innumerable new pressures and land use conflicts, will our purpose really have been served?

I also personally believe that those who have lived and worked in the desert for many years have rights that should not be trespassed. Though few in number, they are part of the landscape as well, and I think their rights should be maintained. I am speaking very specifically of the people involved in the cattle business.

Mr. Chairman, this desert is an important part of our heritage in California. It is just as important as our mountains, as our rivers, as our coastline. It deserves our attention, and yes, our protection today if it is going to offer the same quality of experience for future generations tomorrow. This legislation is going to be remembered for as long as there is a California.

And I thank the committee for holding the important hearings to get the ball rolling. Thank you.

[The prepared statement of Mr. Lehman follows:]

STATEMENT BY THE HONORABLE RICHARD H. LEHMAN

Before the U.S. Senate Subcommittee on Public Lands, National Parks and Forests

July 21, 1987

ON CALIFORNIA DESERT PROTECTION

Mr. Chairman and Members of the Subcommittee, I very much appreciate the opportunity to testify today on California Desert Protection legislation. I particularly wish to commend Senator Alan Cranston for his courageous and able leadership on what may be the most complex natural resource issue in California today. In a state as diverse as ours, I know that it was not easy for Senator Cranston to begin a process which by its nature will be controversial, divisive and exhausting. Senator Cranston deserves our thanks for his steadfastness in setting the highest goals for the California Desert. He has shown us what the top of the mountain looks like, so that we may climb as high as we possibly can.

I would also like to commend my colleague Congressman Mel Levine who has introduced the companion measure to the Cranston bill in the House. Finally, I would like to say a word about the California State BLM Director, Ed Hastey. Ed and I have worked together on numerous public land matters and he is a highly competent, hands-on land manager. In my view, California Desert Protection legislation is quite simply a normal step in the wilderness review process and nothing more.

Mr. Chairman, the California Desert is a vast and mysterious land, a land far more subtle than our Sierra Mountains, a land wild and untamed in contrast to our cultivated agricultural valleys, a stark and unpopulated land juxtaposed against the nearby urban sprawl of Southern California.

At the northern most tip of the California Desert lie the small gems of the high desert with year-round streams flowing through cottonwoods and faraway views of the White Mountains. Four years ago this Congress recognized the need to grant special protection to the Mono Basin which surrounds the Northern California Desert's crown jewel, Mono Lake. Further south you will find the best kept secret of the California Desert--remote stretches of sand in the Saline Valley, surrounded by jagged mountains and vistas that seem to go forever--where man's footprints are hardly seen at all, where hidden waterfalls flow and wild vineyards grow on hillsides. And if you travel still further south, you will come face to face with the "Lonesome Triangle," or the East Mojave Desert--a land of enormous variety with steep rugged mountains descending to valleys of sand and creosote where man has often left his indelible signature.

Unfortunately this has sometimes been with smashed bottles and signs riddled with bulletholes. Accidents of geography have made this land especially vulnerable to human exploitation. The East Mojave is crisscrossed by seven transmission lines, gas corridors, an interstate highway and railroads. All these arteries feed into the population centers of Southern California from disparate parts of the desert. The landscape here is checkerboarded with private property which makes the conflict all the more difficult to resolve. In spite of these intrusions, the land has retained its character and the BLM has included major portions of it in its East Mojave Scenic Area.

All of this and more make the California Desert a powerful and awesome part of our American landscape--a land whose deceivingly harsh looks belie a fragile life system in need of care and protection.

I represent a portion of the California Desert, and I have introduced California Desert Protection legislation which is similar, but not identical to the Cranston-Levine legislation. H.R. 729 and H.R. 361 are skeleton bills without acreage figures and maps, but these bills identify 81 WSAs and three desert parks which deserve the most serious consideration for legislative protection. Although our approach is slightly different, Senator Cranston, Congressman Levine and I stand together in support of strong federal protection for the Desert.

All of us who use and care for the California desert-- the Bureau of Land Management, conservationists, the military, recreationalists, ranchers and miners--face some very tough decisions ahead. How much wilderness should be designated and where? Which agency--BLM or the National Park Service--can best manage the most fragile desert resources in the East Mojave, in the areas adjacent to Death Valley and Joshua Tree?

Is it right to phase out or cancel grazing in areas where five generations of the same family have operated for over a hundred years? Should all mineral potential be accomodated or should we only accomodate actual mineral deposits? Should we make special accomodations only for those minerals which are both strategic and scarce? Can we accomodate future utility needs in existing corridors?

Should we give special consideration to areas with endangered species or areas with special cultural significance? Can military overflights of wilderness or park areas be accomodated with special legislative provisions and what would the precedent be for other areas of national significance? Can the ORV enthusiasts' desire for unfettered desert recreation be balanced with the need to protect some the California Desert from soil erosion, poor air quality and archeological damage?

Mr. Chairman, if the questions on the California Desert are obvious, the answers are far more obscure. We appreciate your willingness to help us find these answers.

I would urge the Committee to consider two important points as you review the complexities surrounding the California Desert. First: regardless of which agency-- BLM or the National Park Service-- is given management authority over the very special areas such as Saline Valley, areas adjacent to Joshua Tree National Monument and the East Mojave, I believe strict legislated management guidelines are imperative. This is particularly true for areas in closest proximity to huge urban areas which exert tremendous pressure upon our natural resources. Second: with or without strict legislative guidelines, to be properly managed, additional funding is desperately needed for the California Desert. Let me give you a few examples which illustrate my point. In the State of California, the U.S. Forest Service and the Bureau of Land Management each manage between 18 and 20 million acres of land. Here the similarities between the agencies end. The Forest Service has eight times the number of employees and twelve times the annual budget of the BLM. Specifically, in the California Desert Conservation Area, each BLM employee on the average manages 73,333 acres of land and has 44 cents an acre per year to do it with.

If we consider just the important function of law enforcement on federal land in the California Desert, today 22 BLM rangers must cover an area the size of Ohio. Another way of putting this is to note that each BLM ranger is responsible for patrolling well over half a million acres. Each year the California Desert Conservation Area sees 16 million visitor use days and this heavy recreational use is up 50% from 1981. The job we have asked BLM to do is monumental and the resources we have provided are miniscule. Crimes against people and crimes against resources will continue if we do not come to grips with the fiscal implications of desert management.

Mr. Chairman, as we look at all these complex facets of California Desert management, I believe that reasonable people can make reasonable accomodations where conflicts occur. Fortunately there is enough quality land in the California Desert Conservation area to allow for most legitimate uses.

I do believe that the past reliance on the desert for mineral extraction and utility and transportation construction must be modified to accomodate more modern concerns such as the protection of endangered species and rare natural terrain features.

I also believe that granting hallowed National Park status to Joshua Tree and Death Valley National Monuments is warranted and should be broadly supported throughout California. I would throw out this slender thread of reservation, however, to those who are gung-ho for new National Park creations and expansion. Let's be sure that labelling an area a National Park is the best way to protect that area before marching blindly forward. If such status means the construction of hotels, motels, restaurants, gas stations, gift shops, roads and parking lots and brings millions of new sightseers and recreation seekers to the area thus creating innumerable new land use conflicts, will our purpose have been served?

I also personally believe that those who have lived and worked in the desert for many years, some for many generations, have rights that should not be trespassed. Though few in number, these people have cared for the desert while making a living from it. They are part of the landscape too.

Mr. Chairman, the California Desert is as much a part of our natural heritage in California as our mountains, our rivers and our coastline. It deserves our attention today if it is to offer the same quality of experience for future generations tomorrow.

I thank the Committee for holding these important hearings and for your strong interest in the California Desert.

Senator FOWLER [presiding]. Thank you, Mr. Lehman. You guys in the House do like the other guys from the House who came over to the Senate. We do not stop at five minutes. We just lose all of our good habits when we come over here.

Thank you for your fine testimony.

Mr. Wallop?

Senator WALLOP. I can get a glimpse of the character of your district by the interest mentioned in your statement, Congressman. And I wonder, this bill is silent on water, and surely there must be some concern within your district.

Mr. LEHMAN. I am familiar with that issue, serving on the Interior Committee in the House. Frankly, those concerns have not been expressed to me yet by constituents.

And as I understand the issue, to lay it on the table, I guess the Wilderness Act is in a sense silent. And there is a court case in Colorado. It says that no new Federal rights—I think that is generic language in the Wilderness Act—are put into effect by virtue of making this wilderness.

Senator WALLOP. The problem is that the court case directly attributes water rights to wilderness areas, and assigns them to it. And it strikes me that this is something that Californians ought not to let go unnoticed. If they want to assign as much water as the wilderness area is going to take for its purposes, that is one thing. They ought to do it on purpose, not separate because later on there is no way to back out of this.

Mr. LEHMAN. Fortunately, there is not a lot of water here.

Senator WALLOP. Well, that is all the more reason to pay attention to it I think because——

Mr. LEHMAN. Los Angeles owns most of it, as Senator Wilson knows.

Senator WALLOP. Well, Los Angeles' water right might be affected by the passage of this.

Mr. LEHMAN. Well, they have not expressed that concern.

Senator WALLOP. Let me ask you this one last thing. I noticed in the order of things, you mentioned ORVs rather early. Would you suggest that the amount of ORV access is about right, a little too much or not enough?

Mr. LEHMAN. As I understand the Cranston bill, I think most of the existing ORV uses—and I have been to those places too—are maintained. I think the question here is going to be how much expansion of that activity are you going to allow, and I guess there is a difference of opinion in how much the BLM would allow in their plan for future expansion and how much the Cranston bill would. But as Senator Cranston presented his bill this morning at least, it seemed like there was ample territory.

Senator WALLOP. Well, let me suggest to you that one of the things that does not work well is to deny access that is currently used on the promise that future access will be made available. You do harm to something that is not harmed.

Mr. LEHMAN. Well, I am not aware that the Cranston bill does that. I would agree with you.

Senator WALLOP. Thank you.

Senator FOWLER. The Senator from California, Mr. Wilson?

Senator WILSON. Thank you, Mr. Chairman.

Let me ask Congressman Lehman—first, let me make one point. I could not agree more with the point that he has raised that 22 BLM rangers are spread pretty thin trying to enforce the law in an area the size of Ohio. That point was raised earlier by Mr. Lewis, and it may have been raised by others when I had to step out of the room. I think that it is well worth reemphasizing.

You made the comment that you were concerned about the possibility that the parks might be a good intention that would not go unpunished, and that they might, in fact, have the effect, not the desired effect, but nonetheless the effect, of increasing the traffic and increasing pressure upon the desert. Where do you come down on that?

Mr. **Lehman**. Well, I am at this point throwing—I think that has to be considered. If we look at the character of that land in the East Mojave and we decide that we want the maximum amount of protection for it—and it has already been pretty well savaged, you know, if you look at the use there. I do not see how much more use you could take even though it is now in this scenic area that gives it a certain amount of protection.

If you want to protect it, I think you have to make that decision. Is making it a park going to do that, or is it going to bring thousands of ORV users there? Then with all the attendant problems you are going to have and the services that they need, is it going to get us that kind of human impact, and is that type of human impact going to be negative?

I think an assessment of that has to be made. Off the top of my head, I am not prepared to make it now. I think we need to study it. I think we might be better off from a protective standpoint putting territory in wilderness where roads cannot be built than putting them in parks where they can.

Now, if our goal is not the maximum amount of protection, if our goal is a certain type of use of that land for recreation to get people onto it, to appreciate it in a different kind of state, then maybe a park is the way you want to go if you want to get people there.

Also, with respect to that land on the East Mojave, there is a lot of private ownership there. There are small parcels. There are railroad parcels throughout it. There are some problems that have to be very specifically dealt with with respect to that.

You also have wide-open hunting now on all the land out there. In fact, I guess there is no limit on rabbits, and you see the shells everywhere. It is my understanding of the Generic Park Act is that you couldn't have hunting. So, I think you have to take into consideration the fact that if you take the hunting off that property, you are probably going to have more hunting on the land next to the property.

It ought to be considered at least in the whole mix. Just making it a park does not solve all the problems.

Senator **Wilson**. And I believe I heard you express some concern with respect to the protection of existing grazing rights.

Mr. **Lehman**. Yes. My understanding of the Cranston bill as presently written—and I listened carefully to Senator Cranston this morning when he presented that he would not violate existing rights. My understanding of the bill—of the last version I saw anyway—was that it had a 10 year phaseout in the park areas, which I guess is probably what the Park Act is, or I am not certain on this.

But I think that you are going to have to allow for those uses where families have been there for generations. They are part of the landscape, as I tried to point out. I do not see any inherent, irrevocable damage being done by that activity that would necessitate the kind of act we would have to take to expropriate their right.

Now, possibly we should not allow for expansion of that. I can go along with that, but where they already have rights, I think you have to allow them to continue. And that is a little trickier than just that statement because they lease land currently in addition to the land that they own. So, to be viable operation, they have to operate on more land than they physically own. And we are talking about maybe six families I think in the East Mojave area.

Senator WILSON. Thank you very much, Congressman. Thank you, Mr. Chairman.

Senator FOWLER. Rick, thank you very much.

The Honorable Alfred McCandless, U.S. House of Representatives.

Let me say as the new substitute chairman here what I know Chairman Bumpers said before he left, especially to my colleagues in the House and others that we have in public service in California, I think if you will try to summarize in a minute or a minute and a half and leave the bulk of the time for questions of the panel, then we will have more light than heat and be able to get all the facts on the table for the public discussions.

Senator WALLOP. Mr. Chairman, before the Congressman starts, if you would indulge me a half a second.

Senator FOWLER. Please.

Senator WALLOP. I would like to insert in the record two letters: one from the Western Association of Fish and Wildlife Agencies and one from Senator McClure and myself.

Senator FOWLER. Without objection, so ordered.

[The letters follow:]

WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES

WILLIAM H. GEER
President
Division of Wildlife Resources
1596 W. North Temple
Salt Lake City, UT 84116
(801) 533-9333

SANDRA J. WOLFE
Secretary/Treasurer
Dept. of Fish & Game
1416-9th Street
Sacramento, CA 95814
(916) 445-9880

HAROLD F. OLSON
First Vice President
Santa Fe, NM

JACK WAYLAND
Second Vice President
Olympia, WA

JERRY M. CONLEY
Third Vice President
Boise, ID

1987 JUL 20 PM 12:06

July 15, 1987

To All Members of the U. S. Senate
Committee on Energy and Natural Resources

The Western Association of Fish and Wildlife Agencies, established in 1922, is composed of the fish and wildlife departments of the 13 western states, two Canadian provinces, and one Canadian territory. It is organized to promote the preservation of our natural resources.

One of our objectives is to review state and federal legislation and regulations to insure that the best interests of fish and wildlife management activities in the western area of the continent are preserved.

Our Association has carefully reviewed Senator Cranston's bill, S-7, dealing with the California desert. During our recent business meeting, the Association adopted an oppose position on the bill, as indicated in the attached resolution.

We would appreciate your consideration of the Association's position during hearings on this issue.

Sincerely,

William H. Geer
President

ALASKA • ALBERTA • ARIZONA • BRITISH COLUMBIA • CALIFORNIA • COLORADO • HAWAII
IDAHO • MONTANA • NEVADA • NEW MEXICO • OREGON • UTAH • WASHINGTON • WYOMING • YUKON

WESTERN ASSOCIATION OF FISH AND WILDLIFE AGENCIES

RESOLUTION

NO. 2

Opposition to Senate Bill 7 Relating to California Desert Protection

WHEREAS, federal legislation proposed by Senate Bill 7 and related measures will make changes in the desert area of southern California by altering land use and reassigning federal agency responsibilities; and

WHEREAS, Senate Bill 7 will create approximately 8.8 million acres of wilderness, approximately 5.7 million acres of national parks, and enlarge existing national monuments and redesignate them as national parks; and

WHEREAS, national park classification will preempt the state from its fish and wildlife management responsibilities on such lands; and

WHEREAS, national park classification of these lands will severely restrict freedom of movement on publicly owned lands and make programs for species recovery more difficult; and

WHEREAS, the state's control over its fish and wildlife and other resources within its border is of utmost concern and must be retained by the state; and

WHEREAS, a comprehensive land use plan for the management, use, development and protection of public lands in the California Desert Conservation Area has been developed by the U. S. Bureau of Land Management after five years of public input and debate and approved in 1980 and 1981 by both the Democratic and Republican administrations; and

WHEREAS, the California Desert Conservation Area plan, including wilderness recommendations, is currently under way; and

WHEREAS, 57 significant natural areas have been designated to protect areas of special concern; and

WHEREAS, full funding and implementations of the California Desert Conservation Area plan needs to be tried before an extreme approach as exemplified in Senate Bill 7 is enacted;

NOW, THEREFORE, BE IT RESOLVED, that the Western Association of Fish and Wildlife Agencies (WAFWA) is opposed to any action that will reduce any state's right to manage its fish and wildlife resources; and

BE IT FURTHER RESOLVED, that the Bureau of Land Management should be allowed to enable implementation of its California Desert Plan, because the necessary land protections can be accomplished through this plan; and

BE IT FURTHER RESOLVED, that the WAFWA is opposed to Senate Bill 7, and that this position be communicated to each member of the Congressional Delegation from the western states, the President, the Secretary of the Interior, and appropriate congressional committees; and

BE IT FURTHER RESOLVED, that the International Association of Fish and Wildlife Agencies be urged to adopt this resolution and address Senate Bill 7 as a Priority 1 legislative proposal.

Adopted in Convention
Salt Lake City, Utah
July 15, 1987

DALE BUMPERS, ARKANSAS
WENDELL H. FORD, KENTUCKY
HOWARD M. METZENBAUM, OHIO
JOHN MELCHER, MONTANA
BILL BRADLEY, NEW JERSEY
JEFF BINGAMAN, NEW MEXICO
TIMOTHY E. WIRTH, COLORADO
WYCHE FOWLER, JR., GEORGIA
KENT CONRAD, NORTH DAKOTA

JAMES A. McCLURE, IDAHO
MARK O. HATFIELD, OREGON
LOWELL P. WEICKER, JR., CONNECTICUT
PETE V. DOMENICI, NEW MEXICO
MALCOLM WALLOP, WYOMING
FRANK H. MURKOWSKI, ALASKA
DON NICKLES, OKLAHOMA
CHIC HECHT, NEVADA
DANIEL J. EVANS, WASHINGTON

DARYL H. OWEN, STAFF DIRECTOR
D. MICHAEL HARVEY, CHIEF COUNSEL
FRANK M. CUSHING, STAFF DIRECTOR FOR THE MINORITY
GARY G. ELLSWORTH, CHIEF COUNSEL FOR THE MINORITY

United States Senate
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
WASHINGTON, DC 20510-6150

June 18, 1987

The Honorable Alan Cranston
United States Senate
Washington, D.C. 20510

Dear Alan:

Thank you for your letters of May 14 asking our support for your bill, S. 7 (The California Desert Protection Act). We have reviewed the legislation and your letters, and we note the following:

- o The legislation would make major changes in the California Desert Plan, altering land use on more than half of the BLM-administered lands in the area and all the National Park Service-administered lands, directly affecting about 10 million acres.
- o It would establish 8.8 million acres of instant wilderness, covering 4.5 million acres managed by the National Park Service (NPS) and 4.3 million acres managed by the BLM.
- o It would create 5.7 million acres of new National Parks, with 2.5 million drawn from existing National Monuments and 3.2 million from BLM-administered lands.
- o The bill would enlarge the current Joshua Tree National Monument from 560,000 acres to 805,000 acres and redesignate it as a National Park.
- o The bill would also enlarge the current Death Valley National Monument Park.
- o The bill would create a new East Mojave National Park, covering 1.5 million acres.
- o Although you contemplate no purchase of private lands, the bill clearly gives the Secretary the authority to purchase by condemnation on some lands.

We would hope the issue would not come before the Committee until Senator Wilson has indicated support or no objection to the legislation. If and when he does, we would hope that you both would agree to address the issue of water rights. We must oppose the bill in its present form as it is silent on the issue of federal reserved water rights; and we feel that Congress should address the issue.

Sincerely,

Jim
James A. McClure

Malcolm
Malcolm Wallop

Mr. McCandless. Mr. Chairman, did I understand that I am allotted a minute and a half? Was that your understanding?

Senator Fowler. No, you get five full minutes.

Mr. McCandless. Thank you.

Senator Fowler. And you know that your statement will be made a part of the record. And if you would like to summarize——

Mr. McCandless. Mr. Chairman, I will summarize my statement as best I can with the time we have available and ask that it be submitted in total for the record.

Senator Fowler. Thank you. It will be.

STATEMENT OF HON. AL McCANDLESS, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. McCandless. Mr. Chairman, we have not just visited—in order to make some sense out of this and lay a groundwork, we have not just visited the subject today or yesterday. This started back in 1968 first with the Bureau of Land Management under California State Director Russ Penny, who began the first organized study of what is now the California Desert Conservation Area. In 1971 former Congressman Bob Mathias picked up the Federal gauntlet and was followed by Congressman Jerry Pettis until his untimely death, and then that of his wife. And at the time of his wife Shirley's tenure here in the Congress, Senator Cranston also had a bill before the Senate, S. 63, a bill which also sought to preserve deserts of California.

The result of these efforts was the enactment of the Federal Land Policy and Management Act of 1976, or as it is abbreviated FLPMA, legislation which finally established a California desert conservation area and directed the creation of the California Desert Plan.

My point here is that the conference committee, as I understand it, agreed to a plan which was the result of, or portions of, or at least the exposure to the House version and the Senate bill version.

The FLPMA had a number of titles and goals in it, which I think are laudatory and approach the subject in a manner that would be businesslike and in the best interest of not only the desert and those who live in it, but more importantly those who use it from other areas of California. And it simply said that the Congress finds that the California desert contains historical, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational and economic resources that are uniquely located adjacent to an area of large population, an important point—large population. The coastal plain is judged to have about 13 million residents from Ventura south to San Diego who use this area to a large degree for recreation.

The law further goes on to say that the Secretary has mandated in accordance with the act to prepare and implement a comprehensive, long-range plan of management—long-range plan, not something that is to take place in a couple of weeks—and that that plan takes into account the principals of multiple use and sustained yield providing for resource use and development. In essence, the legislation called for the development of a comprehensive land use plan of 25 million acres of California, of which 7,500 square miles happens to be in my district in Riverside County, the center there just above the Salton Sea and below the Joshua Tree National Monument.

Not that this is any big deal, but my grandfather homesteaded in that area back in 1900. I went to school there when I was very young off and on. I returned to the area in 1953, and was in business. I was elected to the board of supervisors and served 12 years representing the area and the land use problems created, and was very much involved in this program during its implementation and use. And that is why I feel as I do about it.

Out of this came then the Bureau of Land Management's mandate to administer these public lands. And it also caused for the creation of the California Desert Advisory Committee to assist in the development of the plan. And here is where my colleague, Senator Cranston, and I kind of disagree on the membership of that original 15 members, of which a very close friend of mine, a member of the board of supervisors along with me in Riverside County was a member.

I am going to take the time of the committee to read these people's names because they are known to most of the people in this committee room as being people of integrity in the areas which they represent. Laurence Lane, public affairs; Richard Vogl, botanical resources; Wilbur Mayhew, wildlife resources; Harvey Perloff, social science; Frank DeVore, utilities, energy; Willie Pink, general public, Native American; James Burns, state government; Richard Jahns, earth science; E. Dean Lemon, mining, minerals; Clayton Record, advisory committee chairman elected general purpose government; Ruth Simpson, archaeology; Ronald J. Sloan, outdoor recreation; Jenny Smith, outdoor recreation; W. Leon Hunter, environmental science; Erna Schuiling, general public.

Now, I would consider that a pretty broad base upon which to begin the desert plan hearings.

As the light goes on here, I see I will have to change a couple of pages. But I want to cover this one point.

This committee, when it was formed in 1976, held 45 public hearings throughout the state, read and recorded more than 50,000 comments from groups and individuals and spent countless days and nights exploring the desert both on foot and from the air. And in developing the advisory committee plan, they considered the needs of desert plants, wildlife, minerals, grazing transportation, and all of those aspects that we have talked about earlier.

As you can see by the desert plan, it is very similar to that of a land use plan of a city or a county or another organization. You have the four general categories: suitable, non-suitable, under study, and under study by the committee. They have had 1,600 amended filings and they have continued to meet on the basis of two to four times a year or as needed to update the plan.

The area of the plan is to be completed in 1988, and I believe that they are on schedule.

Mr. Chairman, in view of the fact that you have gaveled me down, I would like to submit also, in addition to my total record, a letter to the Chairman of the committee from the former member of the advisory committee and the first chairman, Clayton Record, along with a couple of enclosures that graphically illustrate the work that was done, the implementing process, chapter 5 of the plan, and chapter 7 which go into much more detail as to what was really done by this committee in order to address the issue for which we are here today.

Senator Fowler. I will be glad to. They will be made a part of the record.

[The prepared statement and additional material submitted by Mr. McCandless follow:]

TALKING POINTS
FOR THE HON. AL MCCANDLESS
ON S.7, THE CRANSTON DESERT BILL
BEFORE THE SENATE SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS
JULY 21, 1987

1) INTRODUCTION - THANK YOU TO THE COMMITTEE AND EXPLANATION OF YOUR INTEREST -

2) HISTORY OF THE CALIFORNIA DESERT PLAN -

A. WHAT PROMPTED IT, HOW IT CAME ABOUT, AND WHO WAS ORIGINALLY INVOLVED -

IT WAS ALMOST TWENTY YEARS AGO, IN 1968, THAT WE FIRST AWAKENED TO THE IRREPLACEABLE BEAUTY OF THE CALIFORNIA DESERT AND THE NEED FOR ITS PROTECTION. AT THAT TIME THE BUREAU OF LAND MANAGEMENT, UNDER CALIFORNIA STATE DIRECTOR RUSS PENNY, BEGAN THE FIRST ORGANIZED STUDY OF WHAT IS NOW THE CALIFORNIA DESERT CONSERVATION AREA. BY 1971, THE CALIFORNIA CONGRESSIONAL DELEGATION HAD TAKEN THE LEAD IN DESERT PROTECTION EFFORTS. IT WAS THEN THAT FORMER REP. BOB MATHIAS INTRODUCED THE FIRST LEGISLATION TO IMPLEMENT A DESERT PROTECTION PLAN. BY 1974, FORMER CONGRESSMAN JERRY PETTIS OF LOMA LINDA WAS DEEPLY INVOLVED. HE LED THE FIGHT IN FAVOR OF LEGISLATION TO ESTABLISH THE

California Desert Conservation Area. Tragically, Cong. Pettis was killed in a private plane accident before he could see his bill enacted. The late Member's wife, Shirley, was then elected to succeed him in the House of Representatives and continued the fight to protect the California Desert. At the same time, Senator Cranston was working with the Senate to pass S. 63, a bill which also sought to preserve the Deserts of California. The result of these efforts was enactment of the Federal Land Policy and Management Act of 1976, or FLPMA. Legislation which finally established the California Desert Conservation Area and directed the creation of the California Desert Plan.

B. FLPMA - Its purpose and goals -

Title VI of the Federal Land Policy and Management Act of 1976 states, "The Congress finds that the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;

The uses of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future uses and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles".

The law further mandates that, "The Secretary (of the Interior), in accordance with this Act, shall prepare and

IMPLEMENT A COMPREHENSIVE, LONG-RANGE PLAN FOR THE MANAGEMENT, USE, DEVELOPMENT, AND PROTECTION OF THE PUBLIC LANDS WITHIN THE CALIFORNIA DESERT CONSERVATION AREA. SUCH PLAN SHALL TAKE INTO ACCOUNT THE PRINCIPLES OF MULTIPLE USE AND SUSTAINED YIELD IN PROVIDING FOR RESOURCE USE AND DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO, MAINTENANCE OF ENVIRONMENTAL QUALITY, RIGHTS-OF-WAY, AND MINERAL DEVELOPMENT."

IN ESSENCE, THE LEGISLATION CALLED FOR THE DEVELOPMENT OF A COMPREHENSIVE LAND USE PLAN FOR THE 25 MILLION ACRES OF CALIFORNIA DESERT. IT MANDATED THE BUREAU OF LAND MANAGEMENT TO ADMINISTER THE 12.1 MILLION ACRES OF PUBLIC LANDS TO MEET THE GROWING DEMANDS OF ALL THROUGH MULTIPLE-USE MANAGEMENT. IT ALSO CAUSED TO BE CREATED THE CALIFORNIA DESERT ADVISORY COMMITTEE TO ASSIST IN THE DEVELOPMENT OF THAT PLAN.

3) THE CALIFORNIA DESERT ADVISORY COMMITTEE - WHO IT WAS AND WHAT IT DID -

THE CALIFORNIA DESERT ADVISORY COMMITTEE WAS A 15 MEMBER PANEL ESTABLISHED TO ADVISE THE SECRETARY OF THE INTERIOR ON THE FORMATION AND IMPLEMENTATION OF A COMPREHENSIVE, LONG-RANGE DESERT USE PLAN. IT REMAINS IN EXISTENCE TODAY FOR THE PURPOSE OF REVIEWING AND OFFERING RECOMMENDATIONS ON PROPOSED AMENDMENTS TO THE DESERT PLAN.

THE ORIGINAL ADVISORY COMMITTEE WAS MADE UP OF 15 MEN AND WOMEN REPRESENTING ALL OF THE VARIOUS DESERT INTEREST GROUPS. AMONG THEM WERE: COMMITTEE CHAIRMAN CLAYTON RECORD - A MEMBER OF THE RIVERSIDE COUNTY BOARD OF SUPERVISORS; DRS. RICHARD VOGL AND

WILBUR MAYHEW - PROFESSORS OF BIOLOGY AND ZOOLOGY; FRANK DEVORE - VICE PRESIDENT OF SAN DIEGO GAS & ELECTRIC; JAMES BURNS - ASSIST. SECRETARY OF THE CALIFORNIA STATE RESOURCES AGENCY; DEAN LEMON - ENVIRONMENTAL AFFAIRS MANAGER FOR U.S. BORAX AND CHEMICAL CORP.; RICHARD SLOAN - LAND DEVELOPMENT CONSULTANT AND FORMER TRUSTEE OF THE AMERICAN MOTORCYCLE ASSOC.; GENNY SCHUMACHER SMITH - A NOTED AUTHOR ON OUTDOOR RECREATION; AND WILLIE PINK - A NATIVE AMERICAN. ALTHOUGH THESE ARE BUT A FEW OF THE INDIVIDUALS WHO SERVED ON THE ORIGINAL COMMITTEE, AND MANY OTHERS HAVE SERVED SINCE, THEY OFFER AN EXAMPLE OF THE DIVERSITY OF INTERESTS REPRESENTED ON THE BOARD.

FROM THE DATE OF THE COMMITTEE'S FORMATION IN 1976 UNTIL ITS FINAL ENDORSEMENT OF THE CALIFORNIA DESERT PLAN NEARLY FOUR YEARS LATER, THIS GROUP OF DEDICATED INDIVIDUALS EXPLORED THE NEEDS, USES, AND POTENTIALS OF THE DESERT. THEY HELD 45 PUBLIC HEARINGS THROUGHOUT THE STATE, READ AND RECORDED MORE THAN 50,000 COMMENTS FROM GROUPS AND INDIVIDUALS, AND SPENT COUNTLESS DAYS AND NIGHTS EXPLORING THE DESERT BOTH ON FOOT AND FROM THE AIR.

IN DEVELOPING THE DESERT PLAN, THE ADVISORY COMMITTEE CONSIDERED THE NEEDS OF THE DESERT'S PLANTS AND WILDLIFE, MINERALS AND GRAZING, TRANSPORTATION, MILITARY AND RECREATIONAL USES. THEY CONSIDERED THE REGION'S SIGNIFICANCE TO NOT ONLY RECREATIONERS AND VACATIONERS, BUT ALSO ITS IMPORTANCE TO THE 500,000 PEOPLE WHO MAKE THEIR HOMES IN, AND LIVINGS FROM, THE DESERT. THE COMMITTEE REVIEWED PROPOSALS TO COVER THE SPECTRUM OF DESERT PROTECTION. THERE WERE PLANS TO CLOSE OFF THE DESERT TO ALL BUT THE MOST LIMITED USES, AND PROPOSALS TO PERMIT ITS ALMOST UNRESTRICTED ACCESS.

In the end, almost four years after its inception, the Desert Advisory Board achieved the hard-fought compromise which we now know as the "California Desert Plan". A plan which received the endorsement of the majority of California State newspapers, as well as the support of both the Carter and Reagan Administrations, and that of former California Governor Jerry Brown.

4) THE DESERT PLAN -

A. Its zonings and designations -

The California Desert Plan, once approved by the Department of Interior, established four zoning classes on the 12.1 million acres of public Desert lands. Those classes are -

1) CLASS C - (controlled use or wilderness). The Plan recommended 2 million acres for possible inclusion as wilderness. The areas chosen for such designation are lands with little or no sign of human intrusion. They are designated for use in hiking, backpacking, primitive camping, and hunting, rockclimbing, horseback riding, and nature observation. The Bureau of Land Management has withdrawn these lands as wilderness study areas pending final determination of their qualifications as wilderness. Such determinations are to be complete and open to public comment within the next two years. Areas with a Class C

ZONING IN RIVERSIDE COUNTY INCLUDE PORTIONS OF THE SANTA ROSA, OROCOPIA, CHUCKWALLA, AND PALEN MOUNTAINS.

II) CLASS L - (LIMITED USE) - HAS 5.9 MILLION ACRES. THIS CLASS PROVIDES FOR LIMITED USE TO PROTECT SENSITIVE, NATURAL, SCENIC, ECOLOGICAL AND CULTURAL RESOURCES. AREAS COVERED BY THIS DESIGNATION INCLUDE RELATIVELY UNDISTURBED PORTIONS OF THE OROCOPIA, CHUCKWALLA, AND PALO VERDE MOUNTAINS IN RIVERSIDE COUNTY, AS WELL AS AREAS LIKE THE INDIAN CANYONS OUTSIDE OF PALM SPRINGS. AMONG THE ACTIVITIES PERMITTED ON CLASS L LANDS ARE: LIVESTOCK GRAZING; WIND, SOLAR, AND GEOTHERMAL ENERGY GENERATION; SOME MINERAL DEVELOPMENT; AND ROUTE-SPECIFIC MOTOR VEHICLE USE.

III) CLASS M - (MODERATE USE) - HAS 3.3 MILLION ACRES DESIGNATED FOR MODERATE USE. THESE ARE LANDS REQUIRING BALANCE AND CONTROL WHILE STILL PERMITING A WIDE VARIETY USES. EXAMPLES OF SUCH ACTIVITIES ARE MINING, GRAZING, OFF-ROAD VEHICLE RECREATION, AND ENERGY AND UTILITY DEVELOPMENT. ALTHOUGH CLASS M LANDS ARE AVAILABLE FOR PUBLIC USE, THE PLAN RECOGNIZES A NEED TO CONSERVE DESERT RESOURCES AND REQUIRES THAT ANY DAMAGE TO THESE LANDS BE REPAIRED OR MITIGATED. LANDS IN RIVERSIDE COUNTY ZONED CLASS M ARE IN THE CHUCKWALLA VALLEY AND AREAS SURROUNDING BLYTHE.

IV) CLASS I - (INTENSIVE USE) - CLASS I HAS BEEN DESIGNATED ON 500,000 ACRES OF DESERT LANDS. THESE AREAS, MOSTLY IN IMPERIAL AND SAN BERNARDINO COUNTIES, ARE USED PRIMARILY FOR OFF-HIGHWAY VEHICLE RECREATION.

V) FINALLY, APPROXIMATELY 300,000 ACRES WERE LEFT UNCLASSIFIED FOR FUTURE DESIGNATION.

CLEARLY, THE DESERT PLAN WAS DESIGNED TO PROVIDE FOR WORKABLE CONSERVATION OF SOUTHERN CALIFORNIA'S MOST VALUABLE RESOURCE. IT AFFORDS STRONG PROTECTION TO NEARLY 8 MILLION ACRES OF SENSITIVE ENVIRONMENTAL CONCERN, ALMOST 65.8% OF THE TOTAL PUBLIC LANDS. BY CONTRAST, INTENSIVE LAND USE IS PERMITTED ON LESS THAN 4% OF THE PUBLIC'S DESERT.

B. ADAPTABILITY - DESERT PLAN AMENDMENTS -

STILL, THE DESERT PLAN IS NOT A STAGNANT DOCUMENT. THE ADVISORY COMMITTEE CONTINUES TO MEET FROM TWO TO FOUR TIMES EACH YEAR IN ORDER TO REVIEW THE PLAN'S IMPLEMENTATION AND CONSIDER AMENDMENTS FOR ITS FURTHER IMPROVEMENT. SINCE 1981, THE DESERT ADVISORY COMMITTEE HAS RECEIVED 322 AMENDMENT PROPOSALS. OF THESE, 116 WERE APPROVED AS PROPOSED, AND MANY OF THESE EXPANDED SPECIAL ENVIRONMENTAL DESIGNATIONS.

5) CONCLUSION - THE PURPOSE OF THE DESERT PLAN AND HOW IT'S BEING FUFILLED -

THE SOLE PURPOSE OF THE CALIFORNIA DESERT PLAN IS TO PROVIDE FOR THE RESPONSIBLE USE AND PROTECTION OF THE CALIFORNIA DESERT.

IT IS CHARGED WITH PROVIDING FOR MULTIPLE USE AND SUSTAINED YIELD TO CONSERVE OUR RESOURCES FOR PRESENT AND FUTURE ENJOYMENT. THE CURRENT PLAN IS CERTAINLY ABLE TO FUFILL THESE MANDATES. IT REFLECTS THE INTERESTS OF ALL. RATHER THAN WORKING TO OVERTURN THE DESERT PLAN, I BELIEVE OUR EFFORTS SHOULD BE BETTER SPENT IN PROVIDING THE RESOURCES NEEDED TO AID IN ITS ENFORCEMENT.

NBS/LOWRY
ENGINEERS & PLANNERS

July 20, 1987

Senator Dale Bumpers
Dirksen Building, Room 229
Washington DC 20515

S-2 - DESERT PROTECTIVE ACT - CRANSTON

I write to add my concern and knowledge to the record of testimony regarding this omnibus legislation. At some more appropriate time I will be delighted to travel across our country in order to discuss in greater detail my sincere concerns. I trust that my inability to do so at this time will not in any way lessen your interest in understanding my personal concerns regarding this major legislation.

Let me introduce myself. I served as a California, Riverside County Supervisor for two terms during 1973 through 1980. I was one of the original members of the California Desert Conservation Area Advisory Council created by Section 601 of the Federal Land Planning and Management Act of 1976. I served as Chairman during three of the five year term of the Council. I was originally appointed by then Secretary of the Interior Rogers Morton to fill the specified local government slot and subsequently reappointed by Secretaries Andrus and Watt. Further I am the only remaining original member of the two who were subsequently appointed to the existing managing Advisory Council which has the ongoing responsibility of overseeing the implementation/management of the California Desert Plan. And in this, was appointed originally by Secretary Watt and reappointed by Secretary Hodel.

To assist in establishing a degree of integrity and to explain my background and public involvement, I have attached a brief resume for your perusal. Should you desire further reference, I would encourage you to contact California Congressmen Al McCandless, Jerry Lewis, or George Brown, each of whom know me personally. I'm concerned about credibility because of my deep conviction that the East Mojave Area of Senator Cranston's legislation is inappropriate and indeed an end run around the California Desert Plan, and the extensive Congressionally mandated process by which it was developed and implemented. Countless hours of the finest technical expertise of both the Desert District staff and the fifteen member citizens advisory committee were dedicated to this five plus years exercise which included a three year effort involved in development of information and an extensive technical database, followed by a year of drafting and perfecting the development of the plan, with a

1545 West Florida Avenue • P.O. Box 851 • Hemet, CA 92343-0162 • (714) 658-7116

final year dedicated to an implementation effort. (Keep in mind that the entire effort involved Public participation at every meeting and planned workshop of the Advisory Committee throughout the entire five year term.) In keeping with the direction of FLPMA the original advisory committee was then discharged and the ongoing management advisory advisory committee was established.

I would suggest that if your intention might be to support Cranston because of an allegiance to the Sierra Club this letter will be of no value to you. If your intention is to support Cranston because of political obligation to the Senator, likewise this effort is of little value. I would suggest however, that no objective appropriate decision regarding Cranston can be determined without first understanding the Desert Plan exercise. Making decisions is easy, it's being sure you have all the facts that is difficult.

I would share these facts.

- The California Desert Plan was not casually conceived nor adopted. It has the highest integrity, as a review of its development would demonstrate. (It is inconceivable to me that this ten year response to a Congressional mandate should be emasculated by an effort which totally ignores the balanced multiple-use and sustained yield concept of the Desert Plan.)

- The East Mojave National Scenic Area (one of the first uses of this designation in the nation) was included in the Desert Plan as a recognition of the uniqueness of the area which would require especially sensitive treatment above and beyond the balance of the vast area of the Plan. An appropriate management plan as required and included in the Desert Plan is presently in draft form and going through an extensive public review process at the present time.

- There is an extensive district staff effort ongoing to develop recommendations regarding Wilderness Study Areas for the consideration and adoption of Congress in response to the Congressional Mandate contained under the provisions of The Wilderness Act of 1964 (45 WSA's 2,099,000 acres).

- The Federal Land Planning and Management Act authorized the expenditure of $40 million dollars. Approximately half that amount was funded. Had full funding been provided an even more detailed management opportunity could have been provided.

- Much, if not most, of the criticism of the Desert Plan can be attributed to insufficient funding which does not allow the BLM Desert District to fully implement the provisions of the Plan. Thus BLM should not be criticized for some of the implementation deficiencies which are being expounded as justification for S-7.

- A proper and efficient use of the taxpayers dollars would be to channel to the BLM budget allocations which might be otherwise directed to the duplicative establishment of an additional National Park within the Desert Plan Area. This would then appropriately provide for more adequate management within the direction of the existing plan.

- The effort to establish this National Park is a blatant attempt to "end run" the ten years of development and implementation of a plan which was developed through extensive and consistent public participation throughout the entire 5 year history of data base gathering, plan development, implementation and the ensuing 5 years of implementation effort. (I would emphasize again the unfortunate inadequate funding provided).

- The incredible ability of the original fifteen member Citizens Advisory Committee to conduct themselves as persons of special knowledge, rather than advocates provided a rare quality to the integrity of this plan without equal in any other effort of this kind. Again, I would welcome at a future opportunity sharing the personal experience of the occasion when this metamorphous occurred. It is without parallel in my over 30 years of public involvement.

It is imperative that members of this committee be familiar with the Desert Plan and comprehend that this joint effort of these several single purpose entities is to accomplish through political effort that which could not be gained through public participation and scrutiny.

Our Congressional mandate through FLPMA was to create Multiple Use and Sustained Yield. This was accomplished!

For your easy reference I have attached two most important chapters from the plan. Chapter 7 outlines the very essence of this dynamic plan and the fact that it can be amended by any person or organization who wishes to propose a reasonable improvement or change to the plan. Chapter 5 discussed the Advisory Committee's role and some of its final recommendations to the District staff. This is the stuff of which the integrity of the plan is made. Please do not allow our efforts to be undermined by political effort.

I would be most pleased to discuss any of these issues further with you or members of your staff.

Very sincerely,

CLAYTON A. RECORD, JR.
Senior Vice President

bsv/Enclosures

CHAPTER 5

Implementation Process

The California Desert Plan, established by law, carries a long-term commitment for the Bureau of Land Management to establish and maintain programs for comprehensive management of the California Desert and the public lands in the CDCA.

The Plan is a management guide which will provide directions to land-use managers in developing subsequent resource management plans during the implementation phase.

Implementation is more than a promise. It is a contract with the public as to exactly how this Plan will be carried out and what methods BLM will use over the coming years to assure that public needs, desires, and values will be met and protected on the public lands in the California Desert.

The BLM has developed this implementation process to cover several very important areas. The first is the methodology for responding to formal recommendations from the California Desert Conservation Area Advisory Committee. The second is the pattern for coordination with all levels of government—Federal, State, and local—not just with those governments having jurisdiction and responsibility for lands or actions within the CDCA, but also with agencies who may affect, or be affected by, BLM actions in the Desert.

In order to implement a land-use management plan over any area, from backyard landscaping to the 25 million acres of the Desert, it is necessary to monitor actions and their results, to measure effectiveness of any action, and to determine need for subsequent amendment or revision. Implementation includes a process for monitoring the Plan and for evaluating the results and taking corrective measures when necessary.

No Plan can be cast in concrete and this one certainly is not. If changes need to be made, or there is a better way to do things, then the Plan will have to be amended. The BLM's implementation approach outlines how this will be done: how changes can be initiated by individuals, organizations, government agencies, and the Bureau itself, and how those requests for amendment will be analyzed and decided upon through public involvement and participation.

It takes money to implement a plan. It takes money to follow recommendations, to cooperate with others, to monitor, and to change. It takes money to manage, to recruit and maintain an adequate personnel force, and to provide the public with answers and service. Budgetary requirements are the hardrock foundation for implementation of this Plan.

CDCA ADVISORY COMMITTEE RECOMMENDATIONS

To assist the Bureau in designing long-range implementation goals for the California Desert Plan, the Advisory Committee established a special Committee Task Force to study the Plan and submit recommendations for its implementation. The CDCA Advisory Committee recommended certain goals (1-7) and approved of the Final Plan.

1. *Establish an organizational structure that treats the CDCA as a single management unit.*

   Response—This recommendation was implemented on October 1, 1980, with the establishment of a single California Desert District to manage the public lands in the CDCA, rather than splitting the responsibility between the Riverside and Bakersfield Districts, as was formerly the case.

2. *Institute personnel practices that (a) insure the hiring of qualified staff committed to the goals of the Plan; (b) provide career incentives to retain CDCA-trained staff for more than the short term; and (c) specify orientation and training of staff on a periodic basis.*

   Response—Qualified individuals who have an interest in and a desire to contribute professionally to the management of the Desert will be diligently sought out under the required Federal personnel regulations.

3. *Authorize the use of volunteers to aid in establishing a BLM "presence" within areas needing protection.*

CDCA Advisory Committee

Established under Section 601(g)(1) in accordance with the provisions of Section 309(a) of the Federal Land Policy and Management Act of 1976, to advise the Secretary of the Department of the Interior with respect to the preparation and implementation of the comprehensive, long-range plan required for the management, use, development, and protection of the public lands within the California Desert Conservation Area.

Standing:
(Left to right)

LAURENCE W. LANE, Jr.
Public Affairs

RICHARD VOGL
Botanical Resources

WILBUR W. MAYHEW
Wildlife Resources

HARVEY PERLOFF
Social Science

FRANK De VORE
Energy-Utilities

WILLIE PINK
General Public
(Native Americans)

JAMES W. BURNS
State Government

RICHARD H. JAHNS
Earth Science

E. DEAN LEMON
Mining-Minerals

Seated:
(Left to right)

CLAYTON A. RECORD, Jr.
Adv. Comm. Chairman
Elected General-Purpose Government

RUTH SIMPSON
Archaeology

RONALD J. SLOAN
Outdoor Recreation

GENNY SMITH
Outdoor Recreation

W. LEON HUNTER
Environmental Science

ERNA SCHUILING
General Public

Response—The success of volunteer assistance in other agencies should serve as a model for the Bureau. There are numerous organizations and individuals who would support and participate in an auxiliary patrol or special surveillance program to prevent overuse, unauthorized collecting, and vandalism on the public lands. In some cases the use of a volunteer resident caretaker may provide a means to help protect resources. Although some of this can be done today, BLM is pursuing legislation to authorize fuller use of volunteer services.

4. *Institute long-range programs to educate desert users, in order to minimize the use of enforcement procedures.*

   Response—Investments in environmental education will result in a more enlightened and self-policing desert user. This program will include education packages for schools, special interpretive facilities, desert classrooms, and field trips for organized groups.

5. *Establish explicit long-range provisions to continue (a) monitoring cumulative results of impacts on sensitive resources; (b) evaluating Plan manageability; and (c) assessing changes that affect Plan relevance and fitness.*

   Response—Monitoring, evaluation, and assessment are continuing processes and the Plan Amendment process provides the flexibility to accommodate change.

6. *Establish methods for regularly amending the Plan within the mandates of the law (FLPMA, Section 601), rather than reacting to "put-out-the-fire" crisis changes.*

   Response—This procedure is outlined in the Plan Amendment Process subsection.

7. *Appoint a high-level citizens' advisory committee (not the present CDCA Advisory Committee) to monitor use of the CDCA lands and resources.*

   Response—The BLM Districts are authorized to establish advisory councils made up of citizen representatives of the major interest groups in the Desert. Such a council will be established for the California Desert District.

ADVISORY COMMITTEE INPUT DURING FINAL PLAN DEVELOPMENT

At their November 21, 1980, meeting, committee members commented on the then-remaining issues and provided other information which was considered in preparing the Plan. In every case where there was unanimity or consensus on one issue, the committee's advice was incorporated in the Plan decisions. The committee did not reach consensus on one issue, the crossing of Class L lands by competitive events.

In addition, those members present passed the following resolution:

> *Resolution*
>
> Considered by the Advisory Committee for the California Desert Conservation Area, November 21, 1980, in regular session at Fort Soda, California:
>
> "The Desert Advisory Committee has carefully considered the Proposed Plan and Final EIS for the California Desert Conservation Area and offers appropriate revisions and ideas for improvement, knowing that the Secretary of the Interior will consider the advice of the Committee carefully in making his final decisions. We ask that he implement the California Desert Conservation Area Plan as a first step in a continuing process for the management of this important area."

The resolution passed by a roll-call vote of those present, 13–0.

INTERGOVERNMENTAL COORDINATION

During the planning process for the development of this Plan, many governmental agencies were contacted to obtain suggestions as well as the details of other governmental plans and programs that would be relevant to the CDCA. This included other Federal agencies, State agencies, and local counties and cities. In addition, contacts have been established with a number of Native American tribes who have cultural interests in the CDCA and their own forms of tribal government.

Specific coordination mechanisms will be developed to assure complete coordination throughout the implementation process.

Additionally, the need for public land for public purposes near local communities is an ongoing concern of local governments. This must be recognized and responded to in a cooperative manner. The use of public lands administered by BLM for public purposes requires consistency with county and city general land-use plans for their individual communities. The Bureau's involvement and coordination in the local governmental planning process will be required.

The BLM will also have to maintain close coordination with the Department of Defense and with local military bases in the CDCA to insure that implementation of the California Desert Plan will be as consistent as possible with the missions and purposes of these bases.

The BLM will also work toward encouraging assistance from these military bases in managing public uses on public lands within the vicinity of the bases.

Additional areas of intergovernmental coordination will include: State and local air- and water-quality programs; BLM land-exchange programs; the process for amending the Plan; cultural resource management programs, especially with respect to local Native American concerns; energy projects; wildlife management; land management in areas adjacent to the boundaries of military bases and National Monuments; and the issuance of BLM grants or permits for access to State or privately owned lands and to public lands where authorized developments, such as mining claims, may take place.

Intergovernmental coordination will be an intensive, continuing, and participatory process of managing the public lands and resources in the CDCA and of implementing the California Desert Plan goals and objectives.

In order to facilitate effective intergovernmental coordination, an interagency coordination group will be proposed. This group would be patterned after the highly successful Owens Valley Interagency Committee. Active membership will be sought from appropriate county, State, and Federal agencies.

This group will be able to develop independent specific coordination objectives and undertake (sponsor) objectives consistent with the Desert Plan. This group would actively interface with the District Multiple-Use Advisory Council.

CHAPTER 7

Plan Amendment Process

The California Desert Plan has been designed to provide a guide for management over a long-term period. In order to do this, a process must be provided that will be flexible enough to permit changes in the face of unanticipated demands or response to future events that, as yet, cannot be foreseen.

PLAN INTERPRETATION AND CLARIFICATION

Due to the fact that the California Desert Plan is the first of its kind, covers such a large region, and deals with so many programs, it is anticipated that immediately after Plan approval a number of requests may be received which will require interpretation and/or clarification of the Plan to determine how the Plan affects a particular proposed use or activity. In some cases it may be necessary to clarify the meaning of statements in the Plan pertaining to guidelines, goals, and actions proposed.

The precise locations of designated boundaries may have to be determined in relationship to a particular existing activity. An activity or use may have been omitted from consideration in the Plan, and a determination may be needed as to how that activity is affected.

Request for Plan interpretation may be filed with the Desert District Office and will be responded to within 30 days of receipt of the request. The response will describe the interpretation made by the BLM authorized official and/or establish additional time needed to consider interpretation.

GENERAL PROCEDURES FOR PLAN AMENDMENTS

A Plan Amendment may be initiated at any time by the BLM District Manager, Desert District, in response to new findings under the continuing monitoring, review, and revision procedures.

Individuals and public or private organizations desiring to have the Plan or any of its elements amended may submit requests for amendment to the District Manager of the BLM California Desert District. The District Manager will respond in writing within 30 days, acknowledging receipt of the request and informing the applicant of the process to be followed in studying and deciding upon the amendment. Processes will be consistent with Bureau procedures.

The general categories of Plan amendments anticipated are described below:

Category 1—The proposed changes (based on previous analysis) will not involve significant environmental impact, and/or EIS documentation is not required. Such changes would not cause significant changes in the geographic location and extent of a multiple-use class designation, multiple-use class guidelines, or significant changes in the goals and policies expressed in the Plan elements or in ACECs or Special Areas.

Category 2—The proposed change, based on preliminary analysis, will require a significant change in the location of a multiple-use class designation or the geographic location or extent of that designation, a significant change in a multiple-use class guideline, or in a Plan element, goals, policies, or the process as prescribed in that element.

Such changes based on preliminary analysis are likely to or are known to have a significant environmental impact and an EIS is required.

Category 3—The proposed change is submitted to accomodate a request for a specific use or activity which will require additional analysis and decision beyond the Plan Amendment decision.

Category 1 amendments will be considered at least on a semi-annual schedule and Plan amendments in Categories 2 and 3 will be considered on an annual schedule, beginning one year from the date of Plan approval. Specific Category 3 amendments may be considered at any time where the State Director determines that the proposed project is of such significance to the public interest that deviation from the annual schedule is justified.

BLM-INITIATED AMENDMENTS

The Bureau will monitor implementation of the Plan, as well as new internal data, and will review the need for a general revision at the end of one year after approval of the Plan. Amendments will be considered once a year for the next four years. The District Multiple-Use Advisory Council will play a major role in determining amendments.

Proposals for revision of the boundaries of the California Desert Conservation Area, or requests for changes in the Federal Land Policy and Management Act will be referred to the U.S. Congress for review and decision.

During the planning process, the need for one boundary adjustment and concurrent BLM study of the administrative organization best suited to implement the Plan was identified. The McCain Valley area, encompassing approximately 150,000 acres of BLM-administered public lands along the present southwest boundary of the CDCA, has been determined to be an area that should be included in the California Desert Conservation Area and managed under the framework of the Plan, from both ecological and resource management perspectives.

A precise determination of boundary adjustment in McCain Valley will be made, existing Resource Management Plans for the area will be reconciled to overall Plan guidelines, and the proposed revision, with appropriate environmental assessment, will be processed under the standard Plan Amendment procedures and referred to Congress in the form of a draft boundary adjustment amendment to the Federal Land Policy and Management Act of 1976.

Proposed revisions of the multiple-use classifications or their boundaries, guidelines, objectives, or decision criteria and major revisions of Plan elements, including significant changes in use levels or facility locations will be decided by the BLM California State Director under the amendment procedures outlined in this section.

INFORMATION REQUIRED FROM INDIVIDUALS AND ORGANIZATIONS

All requests for amendment must be submitted to the District Manager of the California Desert District. Any requests from individuals or private groups or organizations for amendments to or changes in the California Desert Plan must contain the following information:

(1) Reasons for the request.

(2) An explanation of how the individual, group, or organization is being adversely affected by existing requirements or management objectives in the Plan.

INFORMATION REQUIRED FROM GOVERNMENTAL AGENCIES

Federal, State, and local governmental units (including special districts) may file applications and petitions with the Bureau for land and resource uses in accordance with established regulations. These applications and petitions will be reviewed in light of the Plan data and conclusions. In the event such applications or petitions are denied, on the basis of the Plan or its supportive data, rights of appeal will be in accordance with established regulations for the type of application or petition involved. If the proposal has merit, in light of the presented circumstances, the Bureau will simultaneously consider the proposal and a related Plan amendment. Special priority will be given to requests of State and local governments and other Federal agencies.

CITIES AND SPECIAL DISTRICTS

If the request for an amendment to change the Plan is being submitted by an incorporated city or special district, the following information must be provided:

(1) The request must have been approved by vote of the City Council or Board of Directors.

(2) The city must show how it has been, is being, or will be adversely affected by the Plan, or parts thereof.

(3) The city must show how its proposed amendment is necessary for consistency with the officially adopted city general plan.

COUNTY

If the request for amendment is submitted by a county or county service area, the following information must be submitted:

(1) The request must have been approved by vote of the County Board of Supervisors.

(2) The county must show how it has been, is, or will be adversely affected by the Plan, or parts thereof.

(3) The county must show how the proposed amendment is necessary for consistency with the officially adopted county general plan.

STATE

If request for amendment is submitted by the Legislature or Executive Branch of the State of California, the following process must be followed:

(1) The request must have been approved by the Executive Director or Secretary of the submitting agency after indication of coordination with other potentially affected State agencies.

(2) The State must show how it has been, is, or will be adversely affected by the Plan, or parts thereof.

(3) The State must show how the proposed amendment is necessary for consistency with adopted State plans or programs.

FEDERAL AGENCY

If the request for amendment is submitted by a department, office, or bureau of the Executive Branch of the U.S. Government other than the BLM, these steps will be necessary:

(1) The request must have been approved by the director of the submitting department, office, or bureau.

(2) The agency must show how it has been, is, or will be adversely affected by the Plan, or parts thereof.

(3) The agency must show how the proposed amendment is necessary for consistency with officially adopted plans or programs.

PLAN AMENDMENT PROCESS

Upon receipt of a request to consider a Plan amendment, the Desert District Manager shall decide:

(1) To consider the Plan amendment, in which case he shall determine the category of amendment to be assigned;

(2) Not to consider the Plan amendment, in which case he shall notify the requestor stating the reasons for his decision.

Any decision to consider or not to consider a Plan amendment is subject to protest to the State Director.

AMENDMENT DECISIONS

Category 1 Amendments

(a) The Desert District Manager recommends an amendment to the State Director. If the State Director concurs, the District Manager makes a decision and a public notice of the amendment decision is given. This notice should clearly explain how the existing Desert Plan is changed.

(b) Protests will be received for 30 days following the public notice.

(c) An amendment may be implemented after protests are resolved and at least 30 days after the public notice.

Category 2 Amendments

(a) The Desert District Manager recommends a preferred alternative to the State Director. If the State Director concurs, the results of the above steps are published as a draft Desert Plan amendment and draft EIS for public review.

(b) The Desert District Manager evaluates comments received, then selects and recommends an amendment decision to the State Director for review and concurrence.

(c) Upon receipt of concurrence, a proposed Plan amendment and final EIS are prepared and published.

(d) Protests will be received for 30 days following the filing of the final EIS.

(e) An amendment may be approved and implemented after protests are resolved and at least 30 days after filing the final EIS.

Category 3 Amendments

(a) Based on additional analysis, the Desert District Manager recommends an amendment to the State Director. If the State Director concurs, the District Manager makes a decision and a public notice of the amendment decision is given. This notice should clearly explain how the existing Plan is to be changed.

(b) Protests will be received for 30 days following the notice.

(c) An amendment may be approved after protests are resolved and at least 30 days after public notice.

ANALYSIS OF PROPOSED AMENDMENTS

In analyzing any applicant's request for amending or changing the Plan, the BLM District Manager, Desert District, will:

(1) Determine if the request has been properly submitted and if any law or regulation prohibits granting the requested amendment.

(2) Determine if alternative locations within the CDCA are available which would meet the applicant's needs without requiring a change in the Plan's classification, or an amendment to any Plan element.

(3) Determine the environmental effects of granting and/or implementing the applicant's request.

(4) Consider the economic and social impacts of granting and/or implementing the applicant's request.

(5) Provide opportunities for and consideration of public comment on the proposed amendment, including input from the public and from Federal, State, and local government agencies.

(6) Evaluate the effect of the proposed amendment on BLM management's desert-wide obligation to achieve and maintain a balance between resource use and resource protection.

DECISION CRITERIA FOR APPROVAL OR DISAPPROVAL

Before submitting a recommendation for a Plan amendment, the BLM Desert District Manager must determine that the proposed amendment is in accordance with applicable laws and regulations and will provide for the immediate and future management, use, development, and protection of the public lands within the CDCA. The BLM Desert District Manager will base his rationale for such determination on the principles of multiple use, sustained yield, and maintenance of environmental quality, as required in the Federal Land Policy and Management Act of 1976.

PUBLIC NOTIFICATION

Notification of proposed amendments to or changes in the California Desert Plan will be published in the *Federal Register*. In addition, notices will also be published in a newspaper, or newspapers, of general circulation in the area which would be affected by the proposed amendment(s). Further, a Plan amendment mailing list will be developed by BLM and will include appropriate publications which publish material of interest to people concerned about public lands of the California Desert. All individuals, organizations, and other public agencies requesting notices of Plan amendment proposals or decisions will receive such notices. All notices and information will be published in this manner no later than 30 days prior to the first or subsequent public hearing, if one is to be held.

All county boards of supervisors and all city councils located where incorporated limits and spheres of influence encompass the land area which might be affected by a proposed amendment to the Plan will be notified of such application to amend no later than 30 days prior to any scheduled public hearings.

PUBLIC HEARINGS

Before the BLM Desert District Manager makes final decision(s) on proposed amendment(s), he may hold one or more public hearings to consider these proposals.

Senator FOWLER. I thank you, Congressman McCandless.

Any other questions?

[No response.]

Thank you very much, sir.

Is Duncan Hunter here? The Honorable Duncan Hunter, a Member of Congress, House of Representatives. Welcome, Mr. Hunter, and I appreciate your understanding of the necessity for our five minute rule.

STATEMENT OF HON. DUNCAN HUNTER, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. HUNTER. I've got you, Mr. Chairman. I appreciate your consideration. Since I have heard you talk about it a little earlier, I have cut down my remarks. I know my statement will be incorporated in the record, and I will make very brief remarks.

Senator FOWLER. Thank you very much.

Mr. HUNTER. I would like to talk about two things, Mr. Chairman, the first has to do with the military dimension to the desert lands in my district in the 45th district of California, which is the southern most congressional district.

As a member of the House Armed Services Committee, I am very concerned about how the California Desert Protection Act would affect training and weapons testing activities. I know you are going to hear more in-depth presentations on this information, but I would like to very simply address the impact that this bill would have on one military base in my district, the Chocolate Mountain Aerial Gunnery Range.

As some members might know, this range is the Marine Corps' primary live fire training area in the United States, and it is for a good reason. There are very few areas large enough or far removed enough from population centers to train our pilots and ground artillery crews. This range consists of 459,000 acres, of which more than half are in the public domain. The area is intensively used on a daily basis with the exception of four scheduled closures a year for surface sweeps, for ordnance and target repair and replacement. The users come from Marine Corps stations at Yuma in Arizona, Camp Pendleton, El Toro, from naval air stations at North Island and Miramar, March, Edwards and Luke Air Force bases.

The wilderness designation of large areas adjoining the base would create a major impediment to infrastructure support by prohibiting access roads and vehicular traffic to support facilities on the boundaries of these proposed protection areas.

More importantly, the closing off of these areas would force a concentration of non-wilderness uses, such as offroading and rock hunting and to a vastly reduced open public land area to the west of the range, which clearly is already being strained.

And this is a problem I would like to say. This is the same story that arises with regard to many military bases in the California desert including Twentynine Palms and China Lake. There is a definite problem there, Mr. Chairman.

There is one other area I would like to address and that has to do with the environment. We have had in Imperial Valley a need for more and better irrigation by agriculture. And that has required the concrete lining of the All American Canal.

And it has been brought to my attention by our Desert Wildlife Unlimited group in Brawley, California, that over 200 desert burro deer have drown attempting to drink from the steep sides of the canal. The canal is lined with concrete. They get up close, and they slide in and they cannot get back out, and they drown.

This wildlife group has worked very hard with government officials to create alternative drinking water sites for burro deer, as well as for the wild burros and Nelson bighorn sheep.

As they mentioned to me in a recent letter, "the desert is very unforgiving to all animals when there is not sufficient water . . . and more work will be required to create new water sources. We must have vehicular access to the desert to preserve our desert wildlife . . . if S. 7 passes, we will be unable to continue our work and the windmills and watering holes that have been developed will fail." Yes, the marvelous work of these private and responsible individuals will be ended by passage of this legislation.

So, in this case, Mr. Chairman and members of the committee, by not allowing vehicles into a wilderness area you really degrade that area with regard to the desert wildlife. That means that they have to come into the populated area or the agriculture area and come into the canals to drink because vehicles are not allowed to go out and build these watering holes, these seeps, that we develop in Imperial Valley, in fact, in all of the State of California for wildlife. So, in this case vehicular access is necessary.

And as a guy who represents a large part of the desert, let me just say that people who enjoy the desert need to have vehicles. You cannot pack in in 110 degree heat into a desert as you can into a nice mountain wilderness. If you do not have a vehicle, you are not going to be able to get into the wilderness.

And just lastly I would say to this committee, when I got back from Vietnam and I had a little place in Idaho, I remember being in the Challis area on the Salmon River in Idaho. And I had a friend who had a Texaco gas station there.

And while I was with him, word came that the White Cloud Mountains were being closed down. And there had been a major environmental discussion and debate over the White Cloud Mountains. And I remember him turning to me and saying what are my five boys going to do. He said it is great for people to fly in here from out of state and have celebrities come in and tell us what to do with our land. But he said for the folks that live here and really depend on being able to work on this land and have a presence on it—and that is precluded by wilderness—he said, in effect, it leaves us holding the bag.

And I think that this committee would be well-advised to listen to that unsolicited testimony by that gentleman who ran the Texaco station in Challis, Idaho about 10 years ago.

Thank you very much.

[The prepared statement of Mr. Hunter follows:]

HONORABLE DUNCAN HUNTER
THE CALIFORNIA DESERT PROTECTION ACT
HEARING BEFORE THE
SENATE SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS
JULY 21, 1987

Mr. Chairman, I want to thank you and the members of this panel for the opportunity to testify on Senator Cranston's legislation, S.7, and to express my views on how we can best protect and enjoy the vast resources of the California deserts.

Before I start with my reasons for opposing the legislation, I would like to offer a few personal comments. I was born and raised in Riverside, California - one of the many gateway cities on the fringe of the California desert. I learned a great respect for the strength and fragility of the area at a very young age. And while no one is going to mistake me for a charter member of the Sierra Club, as a young man with a tremendous love of outdoor activities such as hunting and fishing I came to understand the critical need for an individual's responsibility in conserving all the resources of the desert. And I will come back to that principle of individual responsibility later in my testimony.

I do not belittle the intentions of the author of this measure - there is indeed a necessity to coordinate the uses of the desert. I do however question the means to that end. I believe the proposed legislation has a very narrow understanding of the multiple uses the area provides for and an equally arrogant philosophy of who decides what those activities should be - denying countless hundreds of Californians who worked for many years to develop a reasonable and comprehensive protection plan.

I also want to take a brief moment to praise the efforts of the Bureau of Land Management and the Department of the Interior for the work they have done putting into effect the mandate of Congress. Since the passage of the Federal Land Policy and Management Act (FLPMA) in 1976, the BLM has spent millions of dollars and put in endless hours of effort, in participation with many dedicated citizens, to design a realistic approach to plan for the future of the California desert.

As an outdoorsman/conservationist and staunch believer in reducing the grip the Federal government has over western lands, I believe the BLM plan, while not perfect, at least has the advantage over S.7 of public participation and input and recognizes that the population of Southern California has the right to enjoy the marvels of the desert and use them responsibly.

My first reason for opposing the legislation is that it would create duplicative and unnecessary mechanisms to protect wilderness areas, animal habitat and species, priceless geographic formations, such as various dunes, and areas of cultural and historical significance.

The 12.5 million acres under the protection of the BLM have been well managed. Working along with the public Desert Advisory Council, the BLM has established and designated over 650,000 acres as Areas of Critical Environmental Concern, has designated four classifications of land use, established the 13,000 acre Fringe-toed lizard preserve, reduced the threat to desert vegetation by wild animal foraging, helped to develop a fantastic wind energy project on public lands at San Gorgonio Pass and was the only agency to designate areas for off-road vehicles. In my book, that is quite a list of accomplishments and it demonstrates a clear understanding of the variety of ways in which we use the desert's resources. S.7 would lock-out this broad public access to more than 4 million acres.

Of all the groups who visit and work in the California desert, rock climbers and rock hounds, campers and hunters, environmental researchers and energy/mining interests - no group has been more maligned by supporters of the California Desert Protection Act than off-highway enthusiasts. Yes, there are those who have violated the use of restricted areas - but they are a very small minority and instead of working with the BLM to improve the existing system for enforcing the restrictions on off-road and ATV activities in areas of critical environmental protection, S.7's supporters would rather lock the land up as wilderness and implement their narrow view of how to enjoy the desert. Take a look sometime at the literature the bill's supporters put out and the language they use to describe activities which they disdain, namely off-roading, mining and cattle and sheep ranching.

I quote an article in the Winter, 1986, Wilderness Society magazine; "off-road vehicles coming at you like a buffalo stampede", "a mountainside being gouged", or one I really like - "tobassa grass, the provenance of the elusive desert bighorn sheep - the rarest big game animal in North America - munched to the roots by the bighorn's EXCRUCIATINGLY STUPID domestic relative". If this wasn't so serious it would be laughable the way these people extend their view of the world even to the animal kingdom.

Mr. Chairman again I repeat I do not want anyone to interpret these comments as reflection on the motives or the deeply-held environmental concerns of the bill's author for whom I have respect. Nevertheless, I think it is important to interject into these hearings some of the philosophy of the Northern California environmental coalition which is pushing the concept of increased Federal control over the land and the people who use it.

Secondly, passage of S.7 would have very broad policy implications on military uses of the desert region. As a Member of the House Armed Services Committee, I have had several briefings by the Army, Navy and Marine Corps on how the California Desert Protection Act would effect training and weapons testing activities. I am certain, Mr. Chairman, you will be hearing a more in-depth presentation of this information during the course of your hearings, but I would like to simply address the impact this bill would have on one military base in my district, the Chocolate Mountain Aerial Gunnery Range.

As many members of this panel might know, this range is the Marine Corps' primary live-fire training area in the United States and for good reason. There aren't many areas large enough or far-removed from population centers to train our pilots and ground artillery crews. This range consists of 459,506 acres, of which more than half are in the public domain. S.7 addresses the 132,000 acres of public land in the southern portion of the range complex. This area is intensively used on a daily basis, with the exception of four scheduled closures a year for surface sweeps for ordnance and target repair and replacement.

Routine users originate from Marine Corps Air Stations at Yuma, Arizona, Camp Pendleton, and El Toro, from Naval Air Stations at North Island and Miramar, and from March, Edwards and Luke Air Force Bases. In addition, the range is used year-round by squadrons from across the U.S. and Canada.

The wilderness designation of large areas adjoining the base would create a major impediment to infrastructure support by prohibiting access roads and vehicular traffic to support facilities on the boundaries of these proposed protection areas. More importantly, the closing off of these areas would force the concentration of non-wilderness uses, such as off-roading and rock hunting, onto a vastly reduced open public land area to the west of the range which clearly is already being strained. Furthermore, the concentration of public activities to the west of the range lies in an area dangerously close to air operations. And this is the same story at many other military bases in the California desert, such as at Twenty-Nine Palms and China Lake.

Finally, Mr. Chairman, I mentioned earlier that there was a basic principle involved with this whole issue - individual responsibility to respect and protect the desert environment. And I think one of the most exciting effects the creation of the California Desert Conservation Area has had has been to stimulate many private individuals and groups to participate in planning for future uses and protection of the desert. Again, one of the most involved and concerned groups has been often the most criticized, the California Off-Road Vehicle Association.

This group of desert recreational users has worked long and hard with the BLM and the U.S. Air Force, for example, to restore a previously abused section of the Imperial Dunes in my District. I believe that demonstrates that the serious off-roader is concerned, as much as the Sierra Club and the Wilderness Society are, that we preserve these natural wonders for future generations. And the Off-Road Association has worked diligently to make their membership aware of designated use areas and what the penalties will be for destruction of restricted desert areas. In addition, hundreds of volunteers have joined with businesses and other groups to maintain protected areas for the desert tortoise and to restore and protect invaluable Indian artworks vandalized before the advent of the BLM's plan.

In closing, Mr. Chairman, I would like to relate a personal and important story of two of my constituents from Brawley, California. They are President and Secretary of an animal protection group called Desert Wildlife Unlimited. They have been responsible for developing watering holes and habitat for all desert animals in Imperial County.

The need for more and better irrigation by agriculture in the valley has required the concrete-lining of the All American Canal. Unfortunately, over 200 Desert Burro Deer have drowned attempting to drink from the steep sides of the canals. This wildlife group has worked very hard with government officials to create alternative drinking water sites for Burro Deer, as well as for the Wild Burros and Nelson Bighorn Sheep. As they mentioned to me in a recent letter, "the desert is very unforgiving to all animals when there is not sufficient water...and more work will be required to create new water sources. We must have vehicular access to the desert to preserve our desert wildlife...if S.7 passes, we will be unable to continue our work and the windmills and watering holes that have been developed will fail." Yes, the marvelous work of these private and responsible individuals will be ended by passage of this legislation.

I believe that story of personal enthusiasm and thoughtfulness is the future of the California desert. Properly used and managed, the desert can be preserved for all Americans, not just for back-packers from Berkeley and those with similar elitist beliefs.

Thank you, Mr. Chairman.

Senator **Fowler**. Thank you, Congressman.

Any questions of Congressman Hunter?

[No response.]

Thank you very much for your testimony.

Thank you for your patience. Mr. Gordon Van Vleck, Secretary of Resources for the State of California in Sacramento. Welcome.

STATEMENT OF GORDON K. VAN VLECK, SECRETARY OF RESOURCES, STATE OF CALIFORNIA

Mr. **Van Vleck**. Mr. Chairman, members of the committee, Senator Cranston, Senator Wilson, I am Gordon Van Vleck, Secretary for Resources for the State of California. And I am here today to state the views of Governor Deukmejian and his administration with respect to creation of new wilderness areas in our state in general and specifically to provisions of Senate Bill 7 by Senator Cranston.

The California desert is an important economic resource not just for our state, but for the Nation as well. Sixty-five different mineral commodities are found in the desert. Twenty-four of these are considered strategic, and three are considered critical to national needs.

California is the leading state for non-fuel mineral production. In 1986 approximately $1.1 billion of California's non-fuel mineral commodity production came from the desert area. Ninety-seven percent of the Nation's rare earth metals come from the California desert.

The desert is the site of known and potentially significant geothermal resources.

The California desert is an important recreational resource for 15 million residents of Southern California.

It is an important wildlife area. More than 424,000 hunter days are expended there. And the state has a number of wildlife management programs for such species as the bighorn sheep and the desert tortoise, which by the way is California's official state reptile.

More than 5 million acres are leased for grazing. And while a number of animal unit months is not large, livestock operations are a traditional and important part of the desert economy.

Recreation, tourism, mining and ranching are the mainstays of the limited desert economy. Arbitrarily limiting these activities would create hardship for desert users and visitors alike. And in the case of mining could significantly affect national interests.

Today there are 6.3 million acres of officially designated wilderness in California, which is approximately 6 percent of the total area of the state. S. 7 would create an additional 8.8 million acres of wilderness bringing the total to 15.1 million acres. That is more than one-seventh of the entire state and equal to the combined areas of Delaware, Connecticut, New Jersey and Massachusetts. And if the Chairman of the subcommittee would be here, I was going to say that it is almost equal to half of the area of the magnificent State of Arkansas.

Senator **Fowler**. Arkansas does not have an official state reptile. [Laughter.]

Mr. **Van Vleck**. Senator Cranston might be able to take care of that.

The California desert is one of the most highly mineralized areas in the world. Although it has been explored and mined since the days of the Gold Rush, new and yet to be develope technologies hold great promise for discovery of additional important mineral resources.

S. 7 would prohibit future mineral exploration of more than 10 million acres of this region.

S. 7 would phase out more than half of existing grazing permits in the desert area within 10 years.

S. 7 would result in the loss to local counties of in lieu tax funds from grazing fees and mining fees.

S. 7 would close 7.3 million acres of new national parks and national monuments to hunting.

S. 7 would deny California the right to manage its wildlife, including rare and endangered and threatened species in these new national parks and monuments.

And because motorized vehicles are prohibited in wilderness areas, S. 7 would severely restrict state wildlife programs in the 8.8 million acres of new wilderness. We urge you to support the California Desert Plan arrived at through the planning process of the Federal Land Policy and Management Act of 1976. The California Desert Plan is in the best interests of California, and we believe that S. 7 in its present form is both premature and excessive in scope. We have serious concerns about the economic and environmental impacts of S. 7 for our state.

Mr. Chairman, I have filed a more lengthy statement with the committee. I thank you for the opportunity to present my views on behalf of the State of California.

[The prepared statement of Mr. Van Vleck follows:]

MANAGING THE CALIFORNIA DESERT CONSERVATION AREA

By GORDON K. VAN VLECK

California Secretary for Resources

Mr. Chairman, members of the Committee, I am Gordon K. Van Vleck, Secretary for Resources for the State of California. I am here today to state the views of Governor George Deukmejian and his Administration with respect to creation of new Wilderness Areas in our state, in general, and specifically, to provisions of Senate Bill 7, by Senator Alan Cranston.

California is not a stranger to debates about expansion of National Parks and creation of Wilderness Areas. We have been through the debates that preceded the addition of 48,000 acres to Redwood National Park on our North Coast in 1978.

We have been through the wilderness debates of RARE I and RARE II.

We have been through the debates that accompanied passage of the California Wilderness Act of 1984 that created 1.8 million acres of U.S. Forest Service Wilderness Areas and 1.4 million acres of National Park Wilderness Areas.

Presented July 21, 1987, in Washington, D.C., before the U.S. Senate Subcommittee on Public Lands, National Parks and Forests of the Senate Energy and Natural Resources Committee.

And we have been through development of the Bureau of Land Management's plans for the 25-million-acre California Desert Conservation Area. In developing that plan, BLM faithfully complied with the mandate of Congress to follow the principles of multiple use and sustained yield while providing for management, use, development and protection of public lands.

Developed at a cost of more than $8 million, over a period of four years, this plan is based on views expressed in dozens of public hearings and more than 40,000 written comments.

The result of that process is a comprehensive land use plan that recommends special areas for intensive recreational uses, areas where recreational use and development would be combined with resource protection, areas where the emphasis would be on resource protection, and creation of 1.9 million acres of new Wilderness Areas. Final recommendations to Congress on wilderness designations is awaiting completion of extensive mineral surveys, expected in 1989.

In California we understand the importance of a healthy environment, and we enjoy the beauty of our diverse landscapes. We also understand the importance of a productive economy that provides employment for our citizens and supports a tax base for essential government programs.

The California desert is an important economic resource, not just for our state, but for the nation as well.

-- Sixty-five different mineral commodities are found in the desert. Twenty-four of these are considered strategic and three are considered critical to national needs;

-- California is the leading state for non-fuel mineral production. In 1986, approximately $1.1 billion of California's non-fuel mineral commodity production came from the desert;

-- Ninety-seven per cent of the nation's rare earth metals come from the California desert. These materials are essential for many defense, scientific and high-technology industrial uses -- including superconductors and the proposed supercollider;

-- The desert is the site of known and potentially significant geothermal resources that can lessen our dependence on foreign oil supplies;

-- The California desert is an important recreational resource for 15 million residents of Southern California, and the recreational economy associated with the use and enjoyment of the area is valued at $500 million annually;

-- It is an important wildlife area. More than 424,000 hunter days are expended there, and the state has a number of wildlife management programs for such species as the bighorn sheep and the desert tortoise, California's official state reptile; and

-- More than 5 million acres is leased for grazing, and while the number of Animal Unit Months is not large, livestock operations are a traditional and important part of the desert economy.

Recreation, tourism, mining and ranching are the mainstays of the limited desert economy. Arbitrarily limiting these activities would create hardship for desert users and visitors alike, and in the case of mining, could significantly affect national interests.

Today, there are 6.3 million acres of officially designated Wilderness in California, approximately 6 per cent of the total area of the state. S 7 would create an additional 8.8 million acres of wilderness, bringing the total to 15.1 million acres -- more than one-seventh of the entire state and equal to the combined areas of Delaware, Connecticut, New Jersey and Massachusetts.

The California desert is one of the most highly mineralized areas in the world. Although it has been explored and mined since the days of the Gold Rush, new and yet-to-be-developed technologies hold great promise for discovery of additional important mineral resources.

S 7 would prohibit future mineral exploration of more than 10 million acres of this region.

S 7 would phase out more than half of existing grazing permits in the desert area within 10 years.

S 7 would result in the loss to local counties of in lieu tax funds derived from grazing fees and mining fees.

S 7 would close 7.3 million acres of new National Parks and National Monuments to hunting. S 7 would deny California the right to manage its wildlife, including rare, endangered and threatened species, in these new National Parks and Monuments.

And, because motorized vehicles are prohibited in Wilderness Areas, S 7 would severely restrict state wildlife programs in the 8.8 million acres of new Wilderness.

We urge you to support the California Desert Plan arrived at through the planning process of the Federal Land Policy and Management Act of 1976.

This plan has been approved by Presidents Jimmy Carter and Ronald Reagan and by Interior Secretaries Cecil Andrus and James Watt.

The California Desert Plan is in the best interests of California. We believe that S 7, in its present form, is both premature and excessive in scope. We have serious concerns about the economic and environmental impacts of S 7 for our state.

Thank you for this opportunity to present these views on behalf of the State of California.

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Senator FOWLER. Thank you, Mr. Secretary, very much for your presentation and your succinctness.

Mr. Wallop?

Senator WALLOP. Mr. Van Vleck, in your written statement, do you on behalf of the State of California deal at all with the water issue?

Mr. VAN VLECK. Yes.

Senator WALLOP. Is there some discussion of the reserved right in your longer statement?

Mr. VAN VLECK. Well, we have some concerns, of course, about the future of water rights in wilderness, as has been expressed earlier by you I believe and others. And yes, we are concerned about water.

Senator WALLOP. We would hope that we would get some specific expression from the State of California for the committee as to your recommended water language or the specific reservations that you may find implicit in the bill with the Colorado decision.

Mr. VAN VLECK. Mr. Wallop, I will provide to the committee—I understand the hearing is going to be open for two weeks. We will have some information to the committee in that length of time.

Senator WALLOP. Thank you.

Senator FOWLER. Thank you, Mr. Van Vleck.

Next we have the Lieutenant Governor of California, the Honorable Leo McCarthy. Welcome, Lieutenant Governor McCarthy.

STATEMENT OF LEO McCARTHY, LIEUTENANT GOVERNOR, STATE OF CALIFORNIA

Mr. MCCARTHY. Thank you, Mr. Chairman and members of the committee.

Let me at the outset add my name to those that are celebrating "Ed Hastey Day" in Washington, D.C. If he hears one more compliment like that, he will think it is a retirement ceremony.

Mr. Chairman and members of the committee, I am pleased to add my remarks to those of my former colleagues in the California legislature, Senator Wilson and House Members Levine and Lehman and Lewis.

Before I begin my own brief remarks, I would like to submit for the record the statement from Assemblyman Byron Sher of the California State legislature, who is the chairman of the Assembly Natural Resources Committee of that House. It takes a position in support of Senator Cranston's legislation, and it is signed by 30 members of the California Assembly.

Mr. Chairman, in respect to your request that we try to edit our remarks and be brief, I will submit a statement for the record also. Let me just make these few brief remarks.

The population growth in California continues unabated. Today we are 27 million. In another decade, we will be 33 million. The pressures on open space all over our state are enormous. The sands of time are running on desert wilderness protection.

This, as Chairman Bumpers described in his introductory remarks so descriptively, is a sequence of mountain ranges, a desert very much alive with hundreds of kinds of wildlife, hundreds of species of rare plants. This is a desert that is very vulnerable because of its extreme temperatures.

We are searching in Senator Cranston's legislation for responsible recreation, not for an elimination of recreation. We are searching for respect for the education our children can receive from this desert. There are perhaps 100,000 sites that would yield research, teaching us much about the history of man and man's works. The threat to this desert is not a mirage. It is a very real threat.

The testimony so far in favor of Senator Cranston's legislation has addressed the environmental sides of the issue. As Chairman Bumpers mentioned in his introduction, there were 16 million visitor days to the area that is the subject of Senator Cranston's measure. That is important to the California economy. If we avoid allowing the defacing of this area, the travel and tourism industry in our state will be the beneficiary for many, many years to come.

Mr. Chairman, I sit as one of my jobs as Lieutenant Governor as the chairman of the State Lands Commission. There are some state lands that are a part of the area that is the subject of Senator Cranston's bill. We feel we can work out an exchange on this state land with the BLM, and we are not concerned that that constitutes any reason to oppose this measure.

I would emphatically endorse Senate Bill 7. Thank you, sir.

[The prepared statement of Mr. McCarthy and the California Assembly letter follow:]

Lieutenant Governor
Leo McCarthy
State of California

STATE CAPITOL
ROOM 1028
SACRAMENTO, CA 95814
(916) 445-8994

107 SOUTH BROADWAY
SUITE 4007
LOS ANGELES, CA 90012
(213) 620-2560

TESTIMONY OF
CALIFORNIA LIEUTENANT GOVERNOR
LEO McCARTHY
ON
CALIFORNIA DESERT PROTECTION ACT
BEFORE
U.S. SENATE COMMITTEE
ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS,
RESERVED WATER, AND RESOURCE CONSERVATION
WASHINGTON, D.C.
JULY 21, 1987

I am Leo McCarthy, Lieutenant Governor of California and Chairman of the State Lands Commission.

The sands of time are running out for California's deserts.

It is our duty today to protect them for future generations.

I am carrying California's call to keep our delicate deserts free of further destruction.

It is unfortunate that for many the deserts are a frontier to be conquered.

These fragile, easily-harmed areas rapidly are becoming fertile turf for reckless oil drilling and speculative mining operations, arenas for damaging playthings, and repositories for trash and toxic wastes.

Along with our spectacular coast and towering redwoods, California's deserts offer this nation unique treasures:

- 90 mountain ranges;
- 760 species of wildlife;
- 700 species of flowering plants;
- 91 rare, threatened and endangered plant species;
- The oldest living organism known to humans;
- And the highest and lowest elevations in the contiguous 48 states.

Our deserts also house more than 100,000 archaeological, geologic and paleontological sites.

Sixteen million visitor-days were spent experiencing our deserts last year, significantly boosting California's tourist industry.

We must safeguard our deserts for responsible recreation, permanent enjoyment and ongoing education.

California keeps in trust a precious gift for the rest of the nation.

I've been appalled by this Administration's inattention to the great deserts of California.

And I'm amazed at how quickly they've forgotten Death Valley Days.

The California Desert Protection Act will complete a task begun a decade ago by the Federal Land Policy and Management Act.

It isn't enough to merely identify our waning resources; we must move decisively to keep them intact.

Because of extreme temperatures, deserts age quickly and wounds take generations to heal.

The Mojave bears manmade scars from decades ago.

Let us act now so our deserts are not the casualties of timidity, shortsightedness and neglect.

Time is running out.

(END)

[illegible]
[illegible]
SACRAMENTO CA 94249-0001
(916) 445-7632

DISTRICT OFFICE
785 CASTRO STREET
SUITE C
MOUNTAIN VIEW CA 94041
(415) 961-6031

ADMINISTRATIVE ASSISTANT
BETSY BLAIS SHOTWELL

Assembly
California Legislature

BYRON D. SHER
ASSEMBLYMAN, TWENTY-FIRST DISTRICT

COMMITTEES

CHAIRMAN
NATURAL RESOURCES

MEMBER
ENVIRONMENTAL SAFETY &
TOXIC MATERIALS
GOVERNMENTAL EFFICIENCY &
CONSUMER PROTECTION
LOCAL GOVERNMENT
REVENUE & TAXATION
JOINT COMMITTEE ON THE ARTS
JOINT COMMITTEE ON PRISON
CONSTRUCTION & OPERATIONS

July 13, 1987

Honorable J. Bennett Johnston, Chairman
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Your committee will shortly hold hearings regarding the fate of 12 million acres of public lands in the California Desert. We strongly support the protection proposal contained in the California Desert Protection Act, S.7.

These fragile arid wild lands, close to urban communities where 15 million Southern Californians live, should be protected and preserved in our national parks and wilderness system. The California Desert Protection Act as introduced by Senator Cranston ensures a balance between use and preservation.

Supported by most of the major and local newspapers throughout California, this national parks proposal has received broad support. Backed by such notable businessmen as Al Gersten, Leonard Firestone, and Ernest G. Hahn, along with all the major conservation organizations, S. 7 proposes a reasonable balance of uses for these desert lands including a variety of commercial, recreational and military purposes.

Certain interest groups contend the proposal would curtail the timber industry. The fact is there is no timber harvesting in the California desert. They contend mining and cattle ranching would be eliminated. In fact, all valid existing mining claims would be allowed to continue, even in the national parks. Grazing would be allowed in all of the 81 BLM designated wilderness areas and would be phased out over 10 years in the new national parks. Off-road vehicle enthusiasts claim that the desert would be locked up and that these public lands would be accessible only to the hard few. Again, this is not accurate. Over 80 percent of the wilderness areas are within three miles of a road, and over 30,000 miles of roads would remain open. In addition, an area larger than Yosemite National Park would be dedicated to off-road vehicle use.

The California desert is a magnificent resource that scientists have compared with the Galapagos Islands for its potential to unravel the secrets of evolution. The desert belongs to the entire nation. We urge you to pass S.7 so that future generations may enjoy these expansive vistas and the solitude and the evolutionary record that the desert provides.

Sincerely,

Byron D. Sher
BYRON D. SHER, Chairman
Natural Resources Committee

Burt Margolin
ASSEMBLYMAN BURT MARGOLIN

Terry B. Friedman
ASSEMBLYMAN TERRY B. FRIEDMAN

ASSEMBLYMAN ELIHU M. HARRIS

Jack O'Connell
ASSEMBLYMAN JACK O'CONNELL

Johan Klehs
ASSEMBLYMAN JOHAN KLEHS

Phil Isenberg
ASSEMBLYMAN PHIL ISENBERG

Peter Chacon
ASSEMBLYMAN PETER CHACON

Delaine Eastin
ASSEMBLYWOMAN DELAINE EASTIN

Lucy Killea
ASSEMBLYWOMAN LUCY KILLEA

Campbell
ASSEMBLYMAN ROBERT CAMPBELL

Art Agnos
ASSEMBLYMAN ART AGNOS

Thomas M. Hannigan
ASSEMBLYMAN THOMAS M. HANNIGAN

Sam Farr
ASSEMBLYMAN SAM FARR

Lucille Roybal-Allard
ASSEMBLYWOMAN LUCILLE ROYBAL-ALLARD

ASSEMBLYMAN BRUCE BRONZAN

Richard Polanco
ASSEMBLYMAN RICHARD POLANCO

ASSEMBLYMAN DAN HAUSER

Tom Bates
ASSEMBLYMAN TOM BATES

Tom Hayden
ASSEMBLYMAN TOM HAYDEN

Teresa P. Hughes
ASSEMBLYWOMAN TERESA P. HUGHES

Gwen Moore
ASSEMBLYWOMAN GWEN MOORE

ASSEMBLYMAN CHARLES CALDERON

Curtis Tucker
ASSEMBLYMAN CURTIS R. TUCKER

Tom Bane
ASSEMBLYMAN TOM BANE

ASSEMBLYMAN JOHN VASCONCELLOS

ASSEMBLYMAN PATRICK JOHNSTON

Maxine Waters
ASSEMBLYWOMAN MAXINE WATERS

W Brown
AS[illegible]YMAN WILLIE L. BROWN, JR.

BDS:jmp

cc: Senator Alan Cranston
Senator Pete Wilson

Senator FOWLER. Thank you very much, Lieutenant Governor McCarthy.

Any questions of the Lieutenant Governor?

Senator WALLOP. I would have one perhaps, Mr. Chairman.

Senator FOWLER. Please.

Senator WALLOP. Would you be more comfortable if those exchanges were worked out in advance of passage of this legislation, or just at some subsequent time?

Mr. MCCARTHY. The processes of Federal and state agencies are somewhat slow, Senator, and it has been a matter of discussion for many, many years. I'm a patient man.

Senator FOWLER. We'll have to ask you to exercise that patience for us.

Mr. MCCARTHY. Yes. I think we will work it out. We have been discussing it for a number of years now. It will take several more.

Senator WALLOP. What about the water issues?

Mr. MCCARTHY. I have heard your questions about that. Mr. Chairman, I have heard Senator Wallop's questions about that to other witnesses. I would ask, sir, that you frame the questions and site the court decisions that you are talking about.

Senator WALLOP. I would be happy to, and you ought to know them as Lieutenant Governor of a state that is critically dependent upon water issues.

Mr. MCCARTHY. The extent of my knowledge is great in so many fields. But I do miss a few court decisions. If you frame—

Senator WALLOP. In the area of water——

Mr. MCCARTHY. If I may ask——

Senator WALLOP [continuing]. The *Sierra Club* v. *Department of Agriculture*. I think it was Block.

The court has decided that there is a Federal reserved right that is attendant to the establishment of wilderness areas. Now, this means that each of those areas that are marked up in there that would be contained in the bill in its final form come with a Federal reserved right.

And California might wish to have it stated that the right would be obtained pursuant to state law, or it might wish to cede the right. I do not know. But it seems to me that it ought not to find out what it ought to have done. They really ought to pay attention to it. That is a definite water problem for the State of California, and especially in areas of minimal water supplies where that water which remains to be shared for the purposes for which the land is reserved may conflict with existing uses, and certainly will conflict with future uses. And it seems to me that this is something that you would address in an overall picture in advance of setting all of this aside, establishing a Federal reserved right according to the court decision and letting the water go by default.

Mr. MCCARTHY. Senator, as I started to say, I have heard you raise the point several times today. I would take it seriously, and if you could help us out—several California witnesses you have posed that question to—by citing any cases and any references that you——

Senator WALLOP. I cited the case, sir.

Mr. MCCARTHY. There is only one case we are talking about.

Senator **Wallop**. That is the one which—you don't need any after it. If there are more, it can only get worse.

Mr. **McCarthy**. We will be happy to respond to your issue.

Senator **Wallop**. Well, it is no concern of mine. It's a concern of the State of California. It seems to me that one way or the other California ought to affirmatively say we do not care what the water consequences are. We like this. Or we care what they are, and this is the resolution that we would propose, and get it worked out in advance of the passage of this bill.

Mr. **McCarthy**. I appreciate the point.

Senator **Wallop**. Otherwise you cede to the courts the right to decide what took place.

Senator **Fowler**. My House colleagues?

Mr. **Levine**. No questions. Thank you, Mr. Chairman.

Senator **Fowler**. Thank you, Lieutenant Governor, very much.

Mr. **McCarthy**. Thank you, Mr. Chairman.

Senator **Fowler**. I will pull one out of order here. Mr. Marvin Braude a member of the Los Angeles City Council. Glad to have you here.

STATEMENT OF MARVIN BRAUDE, MEMBER AND PRESIDENT PRO TEM, LOS ANGELES CITY COUNCIL, LOS ANGELES, CA

Mr. **Braude**. Thank you very much, Mr. Chairman. My name is Marvin Braude, and I have been a member of the Los Angeles City Council for 23 years. And I am presently the President Pro Tem of the City Council.

I appear here today to support the California Desert Protection Act. And for the record, I have a letter here from Mayor Bradley expressing his full support.

I have been in the forefront of land use reform in California for many, many years. And my experience is that a delay and not facing up to the issues has been the most serious danger to the public interest in important issues. And we suffered terribly from that.

Mr. Chairman, I first moved to Los Angeles from Chicago in 1951 to enjoy the mountains and the seashore. And I was apprehensive about the desert, and I was a little fearful of it. But after being there a short while, I fell in love with the desert. And as every year passed, I grew fonder and fonder of the desert. The desert has unique qualities of breathtaking panoramas and teaming wildlife. And I share the concerns of people all over the United States who love the desert and support this effort to protect the desert so that it can be enjoyed by our children and future generations.

The City of Los Angeles supports this bill, Mr. Chairman, wholeheartedly, in part because we have been assured by Senator Cranston that legislation recognizes the Bureau of Land Management utility corridors which were worked out after a long, painstaking process the results of which were ultimately included in the California Desert Conservation Area.

The BLM-designated utility corridors are important to the City of Los Angeles because of the fact that our future energy needs rely upon imported power from the Pacific Northwest. We actually get about 80 percent of our power from the areas of Utah, Nevada and Arizona. And we have done that to preserve the air quality in all of Southern California. And we need to continue to be able to do that to bring the power from Nevada and Utah to Los Angeles.

Mr. Chairman, I would like to submit a background paper which describes in more detail the city's utility concerns.

Senator **Fowler**. Without objection.

Mr. **Braude**. Thank you.

The transmission lines, as well as those from projects still on the drawing boards, will be utilizing the BLM-designate corridors. And I am pleased that the intent of S. 7 recognizes that existing, as well as future transmission lines, will be accommodated in these corridors.

And again, Senator Cranston has made it clear that in S. 7 that boundaries of the wilderness areas designated in this measure will not in any way prevent the City from being able to maintain and service its aqueduct system.

I want to thank all of those hundreds and thousands of people who are organizing to try to preserve the California desert in a responsible way. We have seen development that has destroyed a large part of the desert. We should not waste any time. And I commend Assemblyman Levine and Senator Cranston for their initiative in bringing this matter forward.

And I say to you let's create some balance, but let's get on with it and decide the decisions no matter how difficult they may be.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Braude and related materials follow:]

STATEMENT BY LOS ANGELES
CITY COUNCILMAN MARVIN BRAUDE
BEFORE THE SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS, AND FORESTS
OF THE U.S. SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES

JULY 21, 1987

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, MY NAME IS MARVIN BRAUDE AND I AM A MEMBER OF THE LOS ANGELES CITY COUNCIL AND ITS PRESIDENT PRO TEM. I APPEAR HERE TODAY TO SUPPORT THE CALIFORNIA DESERT PROTECTION ACT SPONSORED BY CALIFORNIA'S SENIOR SENATOR, ALAN CRANSTON.

MR. CHAIRMAN, TWO SEPARATE COMMITTEES OF THE CITY COUNCIL REVIEWED S. 7 AND THEN RECOMMENDED TO THE FULL COUNCIL THAT IT SUPPORT THE MEASURE. IN ADDITION, I WOULD LIKE TO SUBMIT FOR THE RECORD A LETTER FROM MAYOR TOM BRADLEY TO YOU, MR. CHAIRMAN, EXPRESSING HIS FULL SUPPORT FOR THE CALIFORNIA DESERT PROTECTION ACT.

WHEN I FIRST MOVED TO CALIFORNIA, IN 1951 I DID NOT UNDERSTAND THE DESERT AND WAS, IN FACT, A LITTLE INTIMIDATED BY ITS VASTNESS. EACH YEAR, HOWEVER, AND WITH EACH VISIT TO THE DESERT, I CAME TO UNDERSTAND IT MORE AND NURTURED A GREAT LOVE FOR ITS SILENT BEAUTY. THE CALIFORNIA DESERT HAS UNIQUE QUALITIES OF BREATHTAKING PANORAMAS AND TEEMING WILDLIFE. I SHARE THE CONCERNS OF PEOPLE ALL OVER THE UNITED STATES

WHO LOVE THE DESERT AND SUPPORT THIS EFFORT TO PROTECT THE DESERT SO THAT IT CAN BE ENJOYED BY OUR CHILDREN AND FUTURE GENERATIONS.

WHILE THE CITY POSITION SUPPORTS THIS BILL, MR. CHAIRMAN, WE DO SO WHOLEHEARTEDLY BECAUSE WE HAVE BEEN ASSURED BY SENATOR CRANSTON THAT THE LEGISLATION RECOGNIZES THE BUREAU OF LAND MANAGEMENT UTILITY CORRIDORS WHICH WERE WORKED OUT AFTER A LONG PAINSTAKING PROCESS, THE RESULTS OF WHICH WERE ULTIMATELY INCLUDED IN THE CALIFORNIA DESERT CONSERVATION AREA PLAN.

THE BLM DESIGNATED UTILITY CORRIDORS ARE IMPORTANT TO THE CITY OF LOS ANGELES BECAUSE OF THE FACT THAT OUR FUTURE ENERGY NEEDS RELY UPON IMPORTED POWER FROM THE PACIFIC NORTHWEST UTAH, NEVADA AND ARIZONA. TO MEET OUR AIR QUALITY GOALS IN THE LOS ANGELES BASIN WE ARE COMMITTED TO PHASING OUT OUR OLD LOCAL IN-BASIN GAS AND OIL-FIRED POWER PLANTS AND TO REPLACE THEM WITH POWER FROM PROJECTS SIMILAR TO THE RECENTLY DEDICATED 1600 MEGAWATT, COAL-FIRED INTERMOUNTAIN POWER PLANT (IPP) LOCATED IN CENTRAL UTAH.

The transmission lines from IPP as well as those from projects still on the drawing board will be utilizing the BLM designated corridors, and I am pleased that the intent of S. 7 recognizes that existing as well as future transmission lines will be accommodated in these corridors.

Senator Cranston is aware of our present and future needs for imported power, and his assurance to us that S. 7 will preserve the City's option to place new transmission lines in these narrowly designated corridors at some future date is essential to the City's support of this legislation.

Mr. Chairman, Los Angeles does not only import power, some 85 percent of its water comes from Inyo and Mono Counties and is brought south in an existing 338 mile-long aqueduct system. Again Senator Cranston has made it clear in S. 7 that the boundaries of the wilderness areas desigineated in this measure will not in any way prevent the City from being able to maintain and service its aqueduct system.

In closing, Mr. Chairman, I wish to thank you for allowing me to testify in support of S. 7. This measure is important to the future preservation of our desert regions on behalf of all the people of the United States.

CITY OF LOS ANGELES

ENERGY AND WATER ISSUES RELATED TO THE PROPOSED CALIFORNIA DESERT PROTECTION ACT OF 1987 - S.7 AND H.R. 371

July, 1987

TABLE OF CONTENTS

Fact Sheet - Los Angeles' Issues Related to the Proposed California Desert Protection Act - S.7 and H.R. 371

SECTION PAGE

I. ENERGY ISSUES

A. Overview of the City of Los Angeles' Power Resources 1

B. Background on Utility Corridors and the California Desert Conservation Area Plan 5

C. Impact of Proposed California Desert Protection Act on Los Angeles' Power Resources

- Summary of S.7 and H.R. 371 7
- The Sylmar-Celilo Utility Corridor 8
- The Boulder Utility Corridor 10
- The Interstate 15 Utility Corridor 12
- The Big Pine-Deep Springs Utility Corridor 15

D. Recommendations - Power 17

II. WATER ISSUES

A. Overview of the City of Los Angeles' Water Resources 20

B. Impact of Proposed California Desert Protection Act on Los Angeles' Water Resources 22

C. Recommendations - Water 23

APPENDICES

Exhibit 1 - Map of Aqueducts, Transmission Lines and Power Projects

Exhibit 2 - Energy Mix - Los Angeles

Exhibit 3 - Map of Wilderness Areas Proposed by S.7/H.R. 371

Exhibit 4 - Map of Key Utility Corridors Impacted by S.7/H.R. 371

FACT SHEET

LOS ANGELES' ISSUES RELATED TO THE PROPOSED CALIFORNIA DESERT PROTECTION ACT OF 1987 - S.7 AND H.R. 371

Los Angeles' Energy and Water Resources

Since the early 1970s, the City has increased importation of energy from sources outside of the Los Angeles Basin in order to:

- reduce the City of Los Angeles' dependence on foreign oil and oil-fired generation;
- improve air quality in the Los Angeles Basin, and
- provide reliable and economical electrical service to the City's existing and future population.

To accomplish this, the City has constructed and plans to construct, long distance electric transmission lines which traverse the California Desert through confined utility corridors. These utility corridors have been established in various federal land use plans after extensive review, negotiation and input from the public and all desert users. Four utility corridors -- Sylmar-Celilo, Boulder, Interstate 15 and Big Pine-Deep Springs -- are discussed in this document and are critical to meeting the City's energy needs.

In addition, the Los Angeles Aqueduct System, which supplies 80 percent of the City's water, transports water from the Eastern Sierras to Los Angeles and also crosses the California Desert.

Position on California Desert Protection Act

The City is concerned that wilderness areas and parks in the California Desert, proposed by Senator Cranston in S. 7 and Congressman Levine in H.R. 371, not foreclose critical public land uses by the City. In particular, is the City's use of the California Desert to:

- route electric transmission lines within the four established utility corridors, and
- transport water via the 338-mile-long Los Angeles Aqueduct.

Recommendations

The City, recommends that S.7 and H.R. 371 be amended to:

- recognize and preserve the four utility corridors (See Page 17), and
- ensure that the creation of wilderness areas will not impact the City's operation and maintenance of the Los Angeles Aqueduct System and related water gathering activities. (See Page 23).

These recommendations would have a minimal impact on the proposed wilderness areas and parks because the four corridors are located on or near the borders of wilderness areas and parks proposed by S.7.

I. ENERGY ISSUES

A. OVERVIEW OF THE CITY OF LOS ANGELES' POWER RESOURCES

The City of Los Angeles Department of Water and Power (Los Angeles) is responsible for providing safe, reliable, and economical energy to the residents of Los Angeles. The City's electrical system today reflects a history of wise planning and a diversified resource mix to meet this responsibility. The City, however, must continue to plan for future electrical generation and transmission resources to meet anticipated increases in the demand for electricity.

Development of Power Resources

Hydro

Historically, the bulk of electricity for Los Angeles was provided by hydroelectric generating plants. Before 1940, approximately 95 percent of the power serving Los Angeles came from this source. Hydroelectricity accounts for about 20 percent of today's power supply. Following is a brief chronology of the City's hydroelectric power resource development:

- Prior to the 1930s, hydroelectric power plants were built along the gravity-flow, 250-mile long Los Angeles Aqueduct. Electricity was delivered to the City along high-voltage transmission lines from the plants located north of Los Angeles along what is now called the Sylmar-Celilo Corridor.
- Hoover Dam and its adjacent power plant were built in the 1930s to become Los Angeles' major source of electricity. Hoover Dam, located on the Colorado River near Boulder City, Nevada, delivers its electricity over 250 miles through the California Desert to Los Angeles via the three high-voltage Boulder Transmission Lines.
- In the 1950s, the City expanded its water supply system in the Eastern Sierra and in conjunction, developed its Owens Gorge Hydroelectric Plants. Electricity generated by these plants is delivered over 240 miles by the 230,000-volt Owens Gorge-Rinaldi Transmission Line along the Sylmar-Celilo Corridor.
- Additional City demands for power and advancements in high-voltage transmission technology in the 1960s resulted in the construction of an 845-mile-long, direct-current transmission line (the Pacific DC Intertie) to provide the City access to surplus low-cost hydroelectric resources from the Columbia River in the Pacific Northwest. This transmission line is located in the Sylmar-Celilo Corridor.

Fossil Fuel and Other Energy Resources

Following World War II, the gradual reduction in the availability of new hydro-development sites and the seemingly unlimited and cheap supply of fossil fuels resulted in the City constructing fossil-fueled, thermal-electric generating plants located within the Los Angeles Basin to meet the increasing energy demand. Until the late 1960s, fossil-fueled electrical generation accounted for up to 80 percent of the City's power.

The 1970s, however, brought substantial increases in fuel oil prices and uncertainties of supplies due to the 1973 Arab oil embargo, as well as increased concern over air quality within the Los Angeles Basin. In addition, the legislative and regulatory climate of the State and the Nation shifted to one of environmental concern, resource preservation, and less dependence on fuel oil.

In response to these events and the continued increase in demand for electricity, the City aggressively began participating in the development of generation and transmission projects located in other Western States. These projects are interconnected with existing power systems in the southwestern United States by a network of high-voltage transmission lines. The City is now a participant in the following projects (See Exhibit 1):

- 45-percent participant in the Intermountain Power Project (IPP), a 1,600-megawatt (MW) coal-fueled electric generating plant in west-central Utah, and the generating plant's 500-mile-long high-voltage, direct-current transmission line to Southern California;
- 20-percent owner of the 1,600-MW, coal-fueled Mohave Generating Station in southern Nevada;
- 21-percent owner of the 2,200-MW, coal-fueled Navajo Generating Station near Lake Powell in Arizona, and
- 5.7-percent owner in the 3,810-MW Palo Verde Nuclear Generating Station near Phoenix, Arizona, and 67-percent purchaser from the Southern California Public Power Authority's 5.91-percent ownership.

In 1986, only 32 percent of Los Angeles' power generation capacity was from gas- or oil-fueled generating units within the City, compared with over 80 percent in 1970. Exhibit 2 illustrates Los Angeles' past, current and future resource mix.

Future Energy Needs

Los Angeles forecasts electricity demand for a 20-year planning period. This forecast is the result of a complex series of computer models incorporating a range of parameters including residential, commercial, and industrial customer population and economic projections. These population and economic projections are based on statistical data collected from the U.S. Census Bureau and the Los Angeles City Planning Department.

Since 1983, the economy has exhibited strong and sustained growth. Despite the forecast of favorable economic conditions, however, future growth of electricity consumption is expected to continue at an average annual rate of only 1.7 percent over the next 20 years, far below the historical trend. Based on this forecast, Los Angeles anticipates the following growth in electrical demand:

- Annual demand will rise from 23,025 gigawatt hours (gwh) (one gigawatt-hour is enough energy to meet the requirements of 200 customers for one year) in 1986 to 31,945 gwh in the year 2006, an increase of 9,000 gwh or 45 percent.
- Peak power demand will increase from 4917 MW in 1986 to 6831 MW in 2006, an increase of 1900 MW or 45 percent.

In summary, the Los Angeles energy resource plan identifies new resources to provide for 1900 MW of power. This amount increases to 2100 MW when retirements of existing facilities and other factors are considered. To put this number in perspective, the City's four in-basin generating plants have a combined maximum capacity of about 3200 MW.

Resource Plan

Based on forecasted energy demand, Los Angeles annually prepares a Resource Plan which identifies needed additional power generation resources. The Resource Plan goals are as follows:

- Assure a reliable power supply to meet projected load growth.
- Maintain the necessary surplus energy resources to provide a margin of safety against electric outages.
- Provide new energy sources to replace those in-basin facilities that will be retired.
- Reduce fuel oil and natural gas consumption in order to lessen the effects of:
  - Power plant air emissions in the Los Angeles Basin.
  - An uncertainty of the fuel supply, and
  - Generally rising fuel costs.

Meeting Resource Plan Goals

The Resource Plan contemplates the development of generating resources which utilize coal, nuclear fuel, geothermal, cogeneration and hydroelectric resources and the phasing out of the operation of the City's older, less-efficient in-basin generating units. For example, part of this need will be met by the development of 210 MW of power on Federal lands leased to the City at the Coso Known Geothermal Resource Area in east-central California. The remaining needs may be met by construction of additional units at the IPP, the proposed coal-fueled White Pine Power Project in White Pine County, Nevada, the proposed Spring Canyon Pumped Storage Hydroelectric Project near Lake Mead in Arizona, or other coal-fueled and geothermal resources being proposed in California and in the western states.

These generation sources are located outside of Southern California. These remote locations are more feasible for development because:

- A greater availability of required land, water and energy resources (coal, geothermal steam or water for hydro-electricity) exists.
- Potential sites outside of the Los Angeles Basin would be less sensitive to air quality problems because of favorable meteorological conditions and less population and development.
- There is support for the development of these projects by local communities because they enhance the local economic base and provide jobs.
- The technological state of high-voltage electrical transmission allows the economical delivery of electricity over long distances.

Role of Long Distance Transmission Lines

To deliver power from these future generation sources to the Los Angeles area, a number of additional transmission lines will be required over the next 20 years. To provide for the routing of these future transmission lines, several utility corridors were identified as necessary based upon the diverse location of future resources and the need to ensure reliable electric service. The following four utility corridors located in the California Desert are vital to the future development and operation of a reliable and economically sound electric system for the City of Los Angeles:

- The Sylmar-Celilo Utility Corridor
- The Boulder Utility Corridor
- The Interstate 15 Utility Corridor
- The Big Pine-Deep Springs Utility Corridor

Preserving system reliability is a key element of transmission line routing. By nature, long distance transmission lines lessen reliability because of their vulnerability to a variety of manmade and natural occurrences, including fire, flooding, adverse weather, lightning, earthquakes, aircraft contact and sabotage. Separation of transmission lines by a minimum distance within a corridor and by region when possible reduces the likelihood of such occurrences affecting more than one transmission line and such the threat of a blackout.

B. BACKGROUND ON UTILITY CORRIDORS AND THE CALIFORNIA DESERT CONSERVATION AREA PLAN

Introduction

Congress passed the Federal Land Policy and Management Act (FLPMA) in 1976, a law to direct the management of the public lands of the United States. Section 601 of FLPMA requires the Bureau of Land Management (BLM) to develop a comprehensive, long-range plan to provide for the protection and administration of public lands in the California desert under principles of multiple use and sustained yield.

Under the congressional direction contained in FLPMA, the BLM prepared and implemented a long-range management plan for the California Desert Conservation Area. This California Desert Conservation Area Plan (CDCA Plan), issued in 1980, is based on multiple use land classifications and various plan elements including a utility corridor element and a wilderness element.

After extensive public review over a period of six years and BLM investigations, the present CDCA Plan addressed recommendations as to the suitability of various wilderness study areas as well as utility corridor designations. The CDCA Plan incorporated concerns expressed by a wide variety of interest groups including private landowners, miners, ranchers, recreational users, environmentalists, as well as utility companies.

Wilderness

Section 603 of FLPMA directed BLM to review public lands according to the procedures specified in the Wilderness Act of 1964. The BLM conducted a Wilderness Review Program in the California desert which consisted of three phases: an inventory phase, a study phase, and a reporting phase.

The inventory phase, which began in April 1978 and ended in February 1979, resulted in the identification of Wilderness Study Areas (WSAs) after extensive field investigation and public involvement through public hearings and workshops. During the study phase, each WSA was analyzed for its relative wilderness quality. Consideration was also given to all resource values and opportunities and a determination of highest and best use for each WSA was made. The reporting phase began after the study phase concluded with the publication of a Draft Plan Alternative and an Environmental Impact Statement in February 1980. This phase actually consisted of the recommendations of suitability or nonsuitability as part of the CDCA Plan. Throughout the process, public participation was an important element in developing BLM's final product, the California Desert Conservation Area Plan of 1980.

Utility Corridors

A utility corridor represents land of recognized width established for the purpose of accommodating future utility needs, such as electric transmission lines. Corridors differ from rights-of-way, in that rights-of-way represent specific land dedicated to specific facilities and are much smaller in width than corridors. The determination of planning corridor widths was established acknowledging that along the length the transmission line may require routing within the corridor to avoid sensitive areas, such as special biological resources, cultural resources, paleontological resources, Native American lands, military facilities, and rugged geologic areas. Once a route alignment for a transmission line has been established within a utility corridor, the right-of-way of much more limited width would be obtained.

The CDCA Plan protects Los Angeles' existing transmission lines. The CDCA Plan also recognized the need to accommodate future facilities by establishing utility planning corridors. These planning corridors, which vary in width from one to three miles, specifically address the expansion or addition of utility facilities.

The following corridors are identified in various federal land use plans for the purpose of accommodating transmission lines to meet Los Angeles' electrical needs:

- The Sylmar-Celilo Utility Corridor
- The Boulder Utility Corridor
- The Interstate 15 Utility Corridor
- The Big Pine-Deep Springs Utility Corridor

The development of these corridors in the CDCA Plan was a culmination of several years of discussion and interaction between the BLM staff and representatives of utility companies, including Los Angeles, government agencies holding rights-of-way in the California Desert and the public. The CDCA Plan is not absolute nor static; this land management plan is a dynamic document and has been amended yearly to reflect and accommodate ongoing concerns through an open public process accompanied by an environmental impact statement.

C. IMPACT OF PROPOSED CALIFORNIA DESERT PROTECTION ACT ON LOS ANGELES' POWER RESOURCES

Summary of Proposed Legislation

California's Desert Lands are the subject of several pieces of protective legislation in the 100th Congress. Of these, S.7 (Cranston) and H.R. 371 (Levine), identical bills entitled, "The California Desert Protection Act of 1987", are the most encompassing affecting about 10 million acres of public lands (See Exhibit 3).

The following briefly summarizes the major features of S.7/H.R. 371:

- Creates 81 wilderness areas (4.5 million acres)
- Creates three national parks
    - Death Valley - 3.2 million acres (3.1 million acres wilderness)
    - Mojave - 1.5 million acres (3/4 million acres wilderness)
    - Joshua Tree - 805,000 acres (563,000 acres wilderness)
- Establishes White Mountains Wilderness study areas (43,700 acres)
- Expands Red Rock Canyon State Park (20,500 acres)
- Establishes Desert Lily Sanctuary, and
- Establishes Indian Canyon National Historic Site

At several locations certain public lands to be protected under S.7/H.R. 371 abutt or overlap the four critical electric transmission corridors previously discussed (See Exhibit 4). Designation as a wilderness area or national park in such areas would preclude utility use of these corridors because construction of additional transmission lines in the corridors would be either prohibited or severely restricted. The following section is a description of the impact of S.7/H.R. 371 on each of the four corridors.

The Sylmar-Celilo Utility Corridor

Description

The existing Sylmar-Celilo Utility Corridor is a two-mile-wide corridor, established in the CDCA Plan by the BLM as Corridor A, that extends from Lancaster in northern Los Angeles County northerly to southern Inyo County. Portions of the Corridor run adjacent to the existing Red Rock Canyon State Park. This Corridor is also adopted as a planning corridor to accommodate future electrical transmission lines in the proposed Angeles Forest Land and Resource Management Plan in California, the Walker Resource Management Plan, the Lahontan Resource Management Plan, and the Toiyabe National Forest Land and Resource Management Plan in western Nevada. These land use plans were developed by the U.S. Forest Service as well as the BLM and involved considerable public participation.

Existing Facilities

Both Los Angeles and the Southern California Edison Company (SCE) operate transmission lines within this Corridor. The Pacific DC Intertie, which delivers power generated in the Pacific Northwest to the City of Los Angeles and the Southern California area, supplies as much as one-quarter of the City of Los Angeles' electrical energy. The 845-mile Corridor runs from Celilo in north Central Oregon to Sylmar in northwestern San Fernando Valley. The Corridor also contains the Owens Gorge-Rinaldi Transmission Line owned by Los Angeles, which extends from the Bishop Area to just south of Sylmar. The Owens Gorge-Rinaldi Transmission Line delivers approximately 100 MW of hydroelectric power generated in Owens Valley to Los Angeles. SCE's Control-Inyokern Transmission Line crosses in and out of the Corridor from north of Bishop to its substation located at Inyokern.

Potential For Future Use

Los Angeles

The Sylmar-Celilo Utility Corridor is the only north-southeastern California corridor which could be utilized for the transmission of electricity from future geothermal generation resources and other potential power sources from central and western Nevada, such as the proposed Dixie Valley Area geothermal projects and the proposed Sierra Pacific Resources Company's Thousand Springs Power Plant, to the City of Los Angeles and the Southern California area. In addition, this Corridor would be utilized for transporting energy from the Los Angeles' Coso Geothermal Project in Inyo County, which is now in the early development phase. Based on the wells drilled by Los Angeles and others, the Coso Geothermal Area shows great promise as a major geothermal production area.

Others

SCE's transmission line utilizes portions of this Corridor. SCE may elect to upgrade its existing facilities or may construct additional lines in the Corridor to transmit power from new generation sources.

Impact of Legislation

The California Desert Protection Act, S.7, and H.R. 371, as presently proposed, would preclude the siting of future transmission facilities within the Sylmar-Celilo Utility Corridor by transferring to Red Rock Canyon State Park federal lands which are presently incorporated by the utility Corridor.

Siting of future transmission line facilities within portions of the Sylmar-Celilo Utility Corridor would also be precluded by the overlap of the Owens Peak Wilderness Area (WA) upon this Corridor.

Resource Issues

Portions of the proposed wilderness areas which overlap the utility planning corridor were determined as not suitable for wilderness designation by the BLM and were so indicated in the CDCA Plan. Areas not in the vicinity of the utility Corridor do provide an opportunity for solitude and primitive and unconfined types of recreation. Resource values in the area include a small portion of habitat for both the Golden Eagle and the Yellow-eared Pocket Mouse.

A portion of the proposed additions to the Red Rock Canyon State Park also overlaps the existing utility Corridor. Resource values in the vicinity of this overlap include potential Native American values as well as a small portion of habitat for two plant species recognized by the U.S. Fish and Wildlife Service as candidates for listing as either threatened or endangered.

The amount of acreage overlap of the Sylmar-Celilo Utility Corridor versus total acres of the proposed wilderness or state park additions are as follows: Owens Peak - 810 acres out of 75,640 acres (approximately 1%); Red Rock - 4,700 acres, west of State Highway 14, out of 20,500 acres (approximately 23%).

To properly locate future utility facilities, and avoid sensitive environmental and other resources within the utility Corridors, a wide planning corridor should be maintained. It has been shown that utility facilities can be sited without detrimental impacts to these sensitive environmental resources.

Recommendations

Recommendations concerning the Sylmar-Celilo Utility Corridor are included under Section I-D. Recommendations - Power.

The Boulder Utility Corridor

Description

The existing Boulder Utility Corridor is a two-mile-wide corridor established in the CDCA Plan by the BLM as Corridor D, that extends northward from Victorville to Yermo then northeasternly to the California-Nevada stateline on the east. A large portion of this Corridor runs roughly parallel to, but north of another planning corridor, the Interstate 15 Utility Corridor. The Boulder Utility Corridor, located entirely within San Bernardino County, was established to incorporate and follow the route of the original Boulder Canyon Project Transmission Lines built by Los Angeles in the 1930s.

Existing Facilities

Los Angeles maintains four transmission lines within this Corridor: the Intermountain-Adelanto Transmission Line from west central Utah, and three McCullough-Victorville Transmission Lines from the Boulder City area in Nevada. The Intermountain-Adelanto Transmission Line transmits energy from the Intermountain Power Project. The three McCullough-Victorville Transmission Lines are used to transmit energy from the Navajo Generating Station and the Hoover Dam Power Plant. This Corridor also contains the Williams Telecommunications Cable now under construction.

Potential For Future Use

Los Angeles

Although the center of this Corridor is tightly packed with four existing transmission lines spaced several hundred feet apart, it represents an important route for future projects from southern Nevada, such as the White Pine Power Project, to the City of Los Angeles and the Southern California area. Los Angeles is a participant in the feasibility study for the Spring Canyon Pump Storage Project near Lake Mead which could require the use of this corridor to transmit power from the project to the City of Los Angeles and the Southern California area.

Others

The potential use by others in this corridor is quite extensive. Williams Telecommunications is constructing fiber optics telecommunication facilities within this corridor. The Kern River Natural Gas Pipeline Project also proposes to utilize this corridor for a proposed natural gas pipeline for the importation of Canadian natural gas supplies. Nevada Power Company's Allen Project near Las Vegas represents a source of coal-fired energy which could utilize this corridor. SCE is a participant in the Spring Canyon Pump Storage Project, and in the past, indicated an interest in the Allen Project.

Impact of Legislation

S.7 and H.R. 371, as presently proposed, would effectively eliminate this planning corridor and preclude the possible siting of future utility facilities by creating wilderness areas whose boundaries overlap this utility planning corridor. These wilderness areas include: southeastern portions of Kingston Range WA, Mesquite WA/Stateline WA, and South Avawatz WA, and northern portions of Hollow Hills WA and Soda Mountains WA. In addition, the northern portion of the proposed Mojave National Park Boundary overlaps the southern half of this utility corridor for approximately nine miles.

The portions of the proposed wilderness areas which overlap the utility planning corridor were determined as not suitable for wilderness designation by the BLM and were so indicated in the CDCA Plan.

Resource Issues

Although, none of the proposed wilderness areas which overlap the existing Boulder Utility Corridor are recommended by the BLM Desert District as being suitable for wilderness designation, portions of these proposed wilderness areas do provide solitude and primitive and unconfined types of recreation. Resource values in the proposed wilderness areas which overlap the corridor include a small portion of habitat for the Golden Eagle, Bighorn Sheep, Desert Tortoise, one plant species of special concern, and one candidate plant species for listing as either threatened or endangered.

Resource values in the vicinity of the corridor within the proposed Mojave National Park include prehistoric, historic, wildlife habitat and scenic values (to the south and away from existing utility lines).

The total amounts of acreage overlap of the Boulder Utility Corridor versus total acres of proposed wilderness or national park are as follows: Mesquite/Stateline - 9,700 acres out of 63,900 acres (approximately 15%); Kingston Range - 8,300 acres out of 250,290 acres (approximately 3%); Hollow Hills - 2,400 acres out of 29,700 acres (approximately 8%); Soda Mountains - 13,000 acres out of 92,690 acres (approximately 14%); South Avawatz Mountains - 6,800 acres out of 26,650 acres (approximately 25%); and Mojave National Park - 4,000 acres out of 1,500,000 acres (less than 1%).

To properly locate future utility facilities and to avoid specific environmental and other resources in locating utility structures, a wide planning corridor should be maintained. It has been shown that utility facilities can be sited without detrimental impacts to these sensitive environmental resources with site specific avoidance as the prime means of mitigation.

Recommendations

Recommendations concerning the Boulder Utility Corridor are included under Section I-D. Recommendations - Power.

The Interstate 15 Utility Corridor

Description

The existing Interstate 15 Utility Corridor is a three-mile-wide corridor, established in the CDCA Plan by BLM as Corridor BB, that extends from Yermo northeast of Barstow to the California-Nevada Stateline on the east. This corridor, located entirely within San Bernardino County, roughly parallels Interstate 15, with the community of Baker at approximately the midpoint.

Existing Facilities

Several utilities presently have facilities in this corridor, including AT&T, Cal Nev Pipeline Company, and SCE. AT&T maintains a communications coaxial cable within this corridor while Cal Nev operates an 8" and a 14" petroleum products pipeline through the length of the corridor. Additionally, SCE operates a transmission line along the length of the corridor.

Potential For Future Use

Los Angeles

BLM has approved the proposed Mead-Adelanto Transmission Line Project scheduled for completion in the mid 1990s. This transmission line would supply the City of Los Angeles and the Southern California area with electricity from the Mead Substation in Southern Nevada. The fifteen utility participants in the Mead-Adelanto Transmission Line Project will use this line for the importation of economy energy from the inland southwest by way of the Mead Substation. Off-peak surplus energy from existing and proposed facilities in Arizona and New Mexico would be utilized. In addition, the Interstate 15 Utility Corridor would be used for the second Intermountain Power Project Transmission Line from Delta, Utah. The Intermountain Power Project has been approved for four generating units, but at the present time, only two have been completed.

Others

AT&T and other telecommunication companies may seek to locate their facilities within the corridor. SCE in the past has proposed the use of this corridor for the Allen-Warner and Ivanpah Power Projects.

Impact of Legislation

S.7 and H.R. 371, as presently proposed, would effectively eliminate this planning corridor and preclude the possible siting of future utility facilities by creating wilderness areas and Mojave National Park whose boundaries overlap this utility planning corridor. Southern portions of Hollow Hills WA, Soda Mountains WA, and Clark Mountains WA overlap the corridor as well as portions of the proposed Mojave National Park.

The BLM has made a recent planning decision not to allow the use of this previously-established utility corridor south of Interstate 15 within the East Mojave National Scenic Area (proposed Mojave National Park). Thus, the remaining portion of this utility corridor north of Interstate 15 near Baker and Shadow Valley/Valley Wells is critical for the future use of this utility corridor. Los Angeles currently has a proposed 1986 CDCA Plan Amendment to shift siting of power facilities within the utility corridor northward in order to minimize the impact on the existing East Mojave National Scenic Area.

The portions of the proposed wilderness areas which overlap the utility planning corridor were determined as not suitable for wilderness designation by the BLM and were so indicated in the CDCA Plan.

The Baker Airport, a small San Bernardino County airport located just north of Baker, California, will need to be relocated to allow for the construction of future transmission lines through this portion of the corridor in order to avoid conflicts with the minimum flight clearances of aircraft using this airport. Sites for the relocation of this airport would include portions of the Hollow Hills WA and/or Soda Mountains WA as proposed by S.7 and H.R. 371. The creation of the wilderness areas as well as a small portion of the proposed Mojave National Park would limit Los Angeles' ability to relocate Baker Airport and, therefore, could preclude the siting of future power transmission facilities.

Resource Issues

Although none of the proposed wilderness areas which overlap the existing Interstate 15 Utility Corridor are recommended by the BLM Desert District as being suitable for wilderness designation, portions do provide solitude, primitive, and unconfined types of recreation. Resource values in the proposed wilderness areas in the vicinity of the existing utility corridor include cultural resources as well as a small portion of wildlife habitat for the Golden Eagle and Bighorn Sheep.

To properly develop the utility corridor in the vicinity of Baker, the Baker Airport will have to be relocated. This relocation is necessary to comply with Federal Aviation Administration safety regulations governing obstructions near airports. This relocation will require the use of lands proposed for either the Hollow Hills WA or Soda Mountains WA.

Portions of the proposed Mohave National Park overlap the existing Interstate 15 Utility Corridor. Resource values in the vicinity of the overlap include prehistoric values, as well as a small portion of habitat for one plant species of special concern, and one candidate plant species for listing by the United States Fish and Wildlife Service as either threatened or endangered .

Total amounts of acreage overlap of the Interstate 15 Utility Corridor versus total acres of proposed wilderness area or national park are as follows: Clark Mountains - 2,300 acres out of 14,400 acres (approximately 16%); Hollow Hills - 6,400 acres out of 29,700 acres (approximately 22%); Soda Mountains - 16,000 acres out of 92,690 acres (approximately 16%); and Mojave National Park - approximately 15,000 acres out of 1,500,000 acres (approximately 1%) on the north side of Interstate 15.

To properly locate future utility facilities and to avoid specific environmental resources in locating utility structures, a wide planning corridor should be maintained. It has been shown that utility facilities can be developed without detrimental impacts to these sensitive environmental and other resources with site specific avoidance as the prime means of mitigation.

Recommendations

Recommendations concerning the Interstate 15 Utility Corridor are included under Section I-D. Recommendations - Power.

The Big Pine-Deep Springs Utility Corridor

Description

The Big Pine-Deep Springs Utility Corridor is a proposed planning corridor that extends from Big Pine eastward to Deep Springs Valley. The western portion of this Corridor is identified in the BLM's Benton-Owens Valley Management Framework Plan but does not have a defined width. The Big Pine-Deep Springs Utility Corridor is a natural eastward extension to Esmeralda County in western Nevada of the corridor identified in the Benton-Owens Valley Management Framework Plan.

Existing Facilities

SCE maintains a small transmission line in the Corridor from an area near Oasis, adjacent to the boundaries of Mono County, California, and Esmeralda County, Nevada, to their Control Substation in Bishop, traversing through Deep Springs Valley.

Potential For Future Use

Los Angeles

Rugged topography, a military reservation and environmentally protected areas, render the Big Pine-Deep Springs Corridor the southernmost route for transmitting power from central Nevada to Los Angeles. This southern link provides access to the Sylmar-Celilo Corridor and is vital to maintaining the future reliability of the City's electric system. This realiability issue arises because of the concentration of existing and planned transmission lines further south in the Boulder and I-15 Corridors. Over-reliance on these corridors would leave the City vulnerable to significant power outages because a single event, such as fire, adverse weather or an earthquake, could affect all the lines in these two corridors.

Specifically, the Big Pine Deep Springs Corridor could be utilized for transmission of power from several projects located in Nevada, such as the proposed Sierra Pacific Resources 2000 MW, coal-fired Thousand Springs Power Project in Elko County. The corridor could also be used as an alternate route for the proposed 1500 MW coal-fired White Pine Power Project located near Ely, Nevada. This is particularly important in light of recent court decisions which could preclude access to the Boulder Corridor, the preferred route. Further, Los Angeles may also utilize this Corridor to transmit power from the many geothermal generation projects and geothermal resource areas in western Nevada and potential resources in Fish Lake Valley in eastern Inyo/Mono County to the City of Los Angeles.

Others

Several private companies have studied the potential for geothermal development in various locations in western Nevada. These projects contemplate the sale of power to the Southern California region and would, therefore, require the utilization of this Corridor to route electricity to this region.

Impact of Legislation

S.7 and H.R. 371, as presently proposed, would effectively eliminate this planning corridor and preclude the possible siting of future utility facilities by creating wilderness study areas (WSA) and wilderness areas whose boundaries overlap this planning corridor, specifically the White Mountains WSA and Piper Mountains WA.

The portions of these proposed wilderness areas which overlap the utility planning corridor were determined as not suitable for wilderness designation by the BLM and were so indicated in the CDCA Plan.

Resource Issues

Although neither the proposed Piper Mountain wilderness area or the proposed White Mountain wilderness study area, which overlap the proposed Big Pine-Deep Springs Utility Corridor, are recommended by the BLM Desert District as being suitable for wilderness designation, portions do provide solitude, primitive, and unconfined types of recreation. Resource values in the proposed wilderness areas in the vicinity of the proposed utility corridor include prehistoric and historic values as well as a small portion of wildlife habitat for the Golden Eagle and Black Toad.

Total amounts of acreage overlap of the Big Pine-Deep Springs Utility Corridor versus total acres of proposed wilderness and wilderness study areas are as follows: Piper Mountain - 3,000 acres out of 74,840 acres (approximately 4%); and White Mountain Wilderness Study Area - 6,000 acres out of 43,700 acres (approximately 13%).

To properly locate future utility facilities and to avoid specific environmental resources in locating utility structures, a wide planning corridor should be maintained. It has been shown that utility facilities can be developed without detrimental impacts to these sensitive environmental and other resources with site specific avoidance as the prime means of mitigation.

Recommendations

Recommendations concerning the Big Pine-Deep Springs Utility Corridor are included under Section I-D. Recommendations - Power.

D. RECOMMENDATIONS - POWER

The City of Los Angeles has carefully reviewed the proposed California Desert Protection Act legislation and accompanying maps to determine what impacts, if any, there would be on Los Angeles' existing and future power resources. In doing so, specific impacts were identified as discussed previously which should be addressed in order to protect Los Angeles' ability to provide a reliable power supply.

Los Angeles recommends that S.7 and H.R. 371 be amended as follows:

General

1. Include statutory language preserving the right of the U.S. Secretary of the Interior to locate and grant rights-of-way for future electric transmission facilities to be located on federal lands within the four utility corridors discussed herein.

The Sylmar-Celilo Utility Corridor

1. Proposed Owens Peak Wilderness Area:
    a. Include statutory language which recognizes and preserves the Sylmar-Celilo Utility Corridor, and to ensure that the operation and maintenance of existing electric transmission facilities located within the Corridor are not impacted in any way by the creation of the proposed Owens Peak Wilderness Area and to allow for the siting of future facilities therein.

    b. Revise the map boundaries to exclude the proposed Owens Peak Wilderness Area acreage which overlap the Corridor (S.7 map, Sheet 29).

2. Proposed Red Rock Canyon State Park:
    a. Include statutory language which recognizes and preserves the Corridor and to ensure that the creation of additional Red Rock Canyon State Park lands does not impact the operation and maintenance of existing electric transmission facilities located within the Corridor and allows for the siting of future facilities therein.

    b. Revise the state park map boundaries to exclude the proposed Red Rock Canyon State Park acreage additions which overlap the Corridor (S.7 Map R-1/R-2).

    c. Include statutory language which provides that the rights-of-way for existing electric transmission facilities located within the Corridor on those federal lands which are proposed to be transferred to the State of California and incorporated into the Red Rock Canyon State Park are instead transferred to the City of Los Angeles; and revise the associated maps to reflect Los Angeles' ownership of the rights-of-way.

The Boulder Utility Corridor

1. Proposed Kingston Range, Mesquite, Stateline, South Avawatz, Hollow Hills, and Soda Mountains Wilderness Areas:

   a. Include statutory language which recognizes and preserves the Boulder Utility Corridor and ensures that the operation and maintenance of existing electric transmission facilities located within the Corridor are not impacted in any way by the creation of the above wilderness areas and to allow for the siting of future facilities therein.

   b. Revise the map boundaries to exclude the proposed wilderness acreage which overlap the Corridor: Kingston Range WA, Mesquite WA, Stateline WA, South Avawatz WA, Hollow Hills WA, and Soda Mountains WA (S.7 map sheets 55, 63, 109, 41, and 106/107, respectively).

2. Proposed Mojave National Park:

   a. Include statutory language which adjusts the northern most boundary of the proposed Mojave National Park to allow for the siting of future electric transmission facilities within this Corridor.

   b. Revise park map boundaries to exclude the proposed Mojave National Park acreage which overlaps the Corridor (S.7 map sheet M).

The Interstate 15 Utility Corridor

1. Proposed Hollow Hills, Soda Mountains, and Clark Mountains Wilderness Areas:

   a. Include statutory language which recognizes and preserves the Interstate 15 Utility Corridor and to ensure that the operation and maintenance of existing electric transmission facilities located within the Corridor are not impacted in any way by the creation of wilderness areas and to allow for the siting of future facilities therein.

   b. Revise the map boundaries to exclude the proposed wilderness acreage which overlap the Corridor: Hollow Hills WA, Soda Mountains WA, and Clark Mountains WA (S.7 map sheets 41, 106/107, and 22, respectively).

2. Proposed Mojave National Park:

   a. Include statutory language which allows for the siting of future electric transmission facilities north of Interstate 15 located within the utility Corridor which runs through the portion of the proposed Mojave National Park jutting north of Interstate 15.

   b. Revise park map boundaries to exclude the proposed Mojave National Park acreage in accordance with the above recommendation (S.7 map sheet M).

The Big Pine-Deep Springs Utility Corridor

1. Include statutory language which recognizes and preserves the Big Pine-Deep Springs Utility Corridor and allows for the siting of future electric transmission facilities therein.

2. Revise the map boundaries to exclude the proposed wilderness acreage which overlap the Corridor: White Mountains WSA and Piper Mountain WA (S.7 map sheets 122 and 86, respectively).

   The map revisions should take into consideration the following: (1) in order to avoid rugged terrain, and potentially sensitive archaeological and paleontological resources, a corridor width of one to one-and-a-half miles should be designated; (2) in order to minimize visual impacts from State Highway 168, future transmission lines should be set back so as to blend with natural terrain features. This visual mitigation would require on the order of 1/2- to 3/4-mile offset from State Highway 168.

II. WATER ISSUES

A. OVERVIEW OF THE CITY OF LOS ANGELES' WATER RESOURCES

Located in a semi-arid region which receives less than 15 inches of average annual rainfall, the City of Los Angeles has limited local water supplies. The City had to develop distant sources of supply to meet the City's long-term needs. Today, over 80 percent of the City's water supply is imported to meet the needs of 3.5 million people.

Sources

Los Angeles' water is obtained from three principal sources. These sources and the average amount of water supplied by each are listed below:

- Eastern Sierra via the Los Angeles Aqueduct System (80%)
- Local groundwater wells (15%)
- Purchased water from the Metropolitan Water District of Southern California delivered via the Colorado River Aqueduct and the California Aqueduct (5%)

Background

Shortly after the turn of the century when it became apparent that the population of the City would soon outgrow its local water sources, the City turned to the Eastern Sierra and in 1905 appropriated the waters of the Owens River for its future water supply.

In early 1913, the City completed its construction of the gravity flow, 233-mile-long Los Angeles Owens River Aqueduct to deliver the water of the eastern slopes of the Sierra Nevada to the City.

In the acquisition and protection of water rights and the right-of-way for the Aqueduct that would bring the waters of the Owens River to the City of Los Angeles, the Federal government was an active partner of the City. In 1906, Congress granted the City a right-of-way through lands in Inyo, Kern and Los Angeles Counties for the Owens River Aqueduct (Act of June 30, 1906, 34 Stats 801). Further, much of the Federal lands in Inyo and Mono Counties were withdrawn from entry for the specific protection of the City's water shed and Aqueduct purposes (Act of March 4, 1931, 46 Stats 1530; and, for example, Executive Order No. 6206, July 16, 1933).

In 1940, additional water was brought into the Aqueduct System for delivery to Los Angeles by the extension of that system 105 miles into the Mono Basin. This action brought water from the Mono Basin into the head waters of the Owens River and thence by gravity flow through existing facilities to the City of Los Angeles. Investigations to bring the waters of the Mono Basin to the City were conducted in the 1920s and 1930s. These investigations took place, again with the active support of the Federal government who by a series of Executive withdrawals in those decades withdrew Federal lands in the Mono Basin for the protection of the City's Aqueduct System. These acts of the President were augmented by the Act of Congress of March 4, 1931, which withdrew public lands in the Owens Valley and Mono Basin "for the protection of the watersheds supplying water to the City of Los Angeles".

Although the City enjoyed the rights to additional water in the Eastern Sierra, it lacked capacity in the existing Aqueduct System to use those water rights. This limiting condition lead to the planning and construction of the Second Los Angeles Aqueduct.

This Aqueduct was constructed and completed in 1970 to enable increased water diversions from the Sierra Nevada. The route of the Second Los Angeles Aqueduct is in close proximity to and roughly parallels the First Los Angeles Aqueduct. Both of these Aqueducts appear to be slightly within the proposed Sacatar Wilderness and Owens Peak areas presently under consideration in the proposed California Desert Protection Act.

These Aqueduct facilities and the water that they deliver remain the most vital resource of the City's water system (See Exhibit 1).

B. IMPACT OF PROPOSED CALIFORNIA DESERT PROTECTION ACT ON LOS ANGELES' WATER RESOURCES

S.7/H.R. 371 would establish several new wilderness areas which overlap the Los Angeles Aqueduct. A discussion of the impacts of these proposed wilderness areas on Los Angeles' water resources follows:

Owens Peak and Sacatar Trail Wilderness Areas

The proposed Owens Peak and Sacatar Trail Wilderness Areas would overlap portions of the First and Second Los Angeles Aqueducts, located west of the China Lake Naval Weapons Center in Inyo County.

The Aqueducts are patrolled regularly by motor vehicles on patrol roads that roughly parallel the route of the Aqueducts. The Aqueducts themselves are, at times, damaged or imperiled by vandalism, mudslides, floods and other natural occurrences. When there is real or potential injury to these vital facilities, Los Angeles is required to rapidly move men and equipment (often heavy equipment) to the scene and take appropriate corrective action. The critical importance of the Aqueduct System makes it imperative that the City's ability to operate and maintain these facilities not be restricted in any way.

Resource Issues

Portions of the proposed wilderness area which overlap the Aqueduct were determined by BLM as not suitable for wilderness areas. Since the Aqueduct System is located adjacent to the edge of these wilderness areas, the impact is minimal.

The total wilderness area acreage which overlaps the Aqueduct System are as follows:

- Owens Peak - 1500 acres out of 75,640 acres (approximately 2 percent)
- Sacatar Trail - 500 acres out of 52,600 acres (approximately 1 percent)

C. RECOMMENDATIONS - WATER

The City of Los Angeles has carefully reviewed the proposed California Protection Act legislation and accompanying maps to determine impacts on Los Angeles' existing water resources. Specific impacts were identified as discussed previously which should be addressed in order to protect Los Angeles' ability to provide a reliable water supply.

Los Angeles recommends that S.7 and H.R. 371 be modified as follows:

Los Angeles Aqueduct System

1. Include statutory language which protects the City's water gathering activities, recognizes the Los Angeles Aqueduct System, and ensures that the operation and maintenance of this facility will not be impacted by the creation of the proposed Owens Peak and Sacatar Trail Wilderness Areas or other protected areas in the bill.
2. Revise the map boundaries for the proposed Owens Peak and Sacatar Trail Wilderness Areas located between Coso Junction and Freeman Junction to exclude all tunnel, subsurface, and surface sections of the Los Angeles Aqueduct System. Established boundaries should be a minimum of one hundred (100) feet west of the centerline of the westernmost aqueduct, of the Los Angeles Aqueduct System (S.7 map sheets 29 and 92).*

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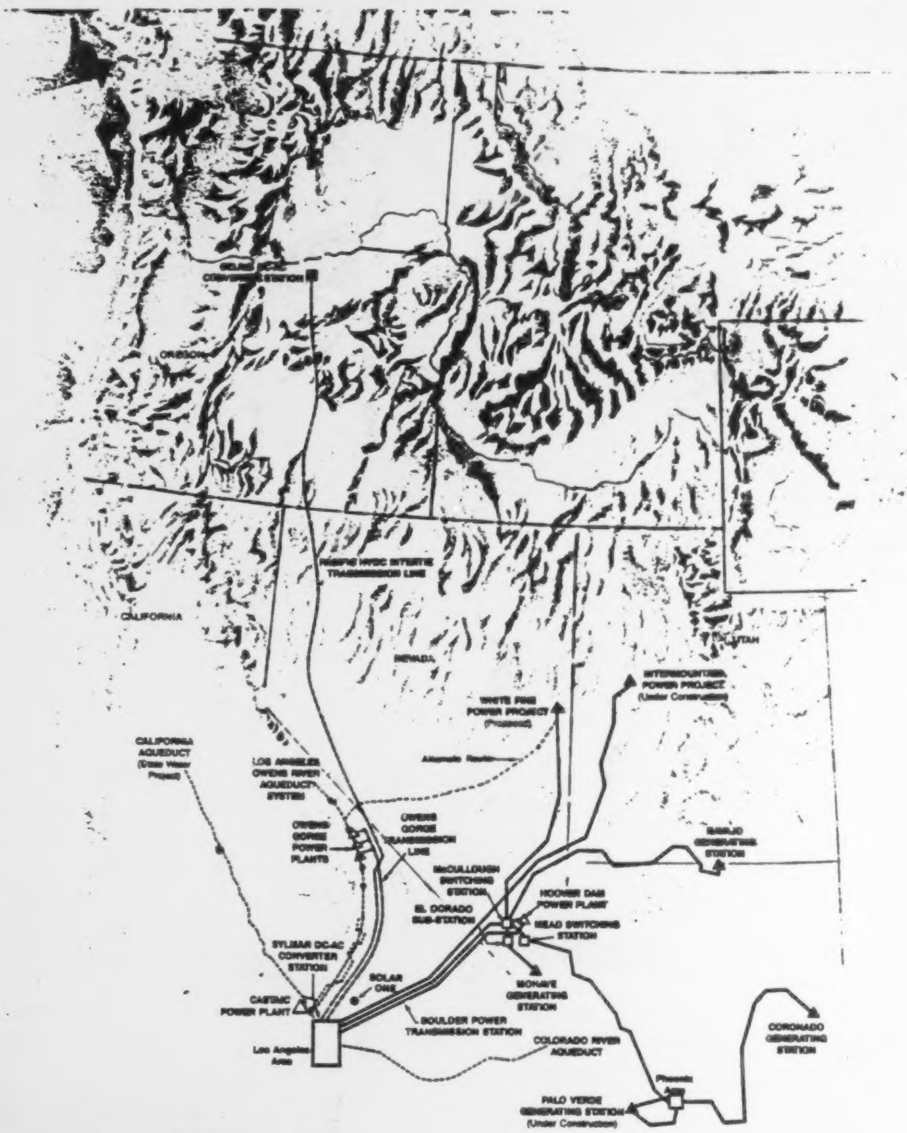
* Los Angeles understands that the S.7 maps have been modified to address conflicts with the Los Angeles Aqueduct System. However, the corrected maps are not yet available and statutory language reflecting these corrections has not been included in the bill.

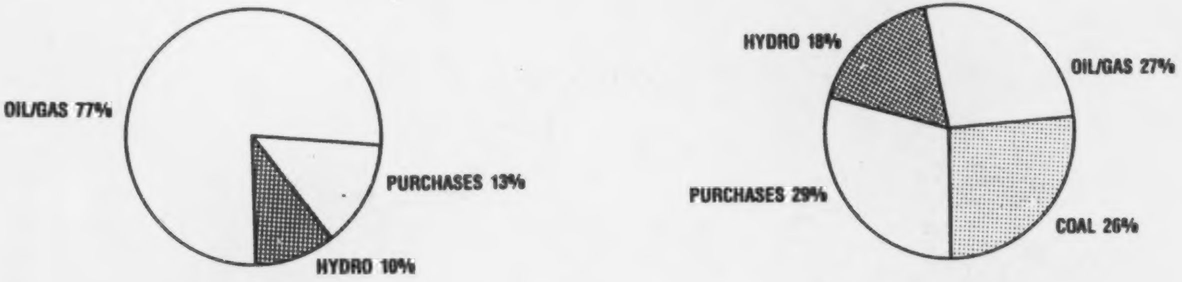
APPENDICES

Fig. 1


CELILO DC-AC
CONVERTER STATION
OREGON
PACIFIC HVDC INTERTIE
TRANSMISSION LINE
CALIFORNIA
NEVADA
UTAH
INTERMOUNTAIN
POWER PROJECT
(Under Construction)
WHITE PINE
POWER PROJECT
(Proposed)
CALIFORNIA
AQUEDUCT
(State Water
Project)
Alternate Route
LOS ANGELES
OWENS RIVER
AQUEDUCT
SYSTEM
OWENS
GORGE
TRANSMISSION
LINE
OWENS
GORGE
POWER
PLANTS
NAVAJO
GENERATING
STATION
McCULLOUGH
SWITCHING
STATION
HOOVER DAM
POWER PLANT
EL DORADO
SUB-STATION
MEAD SWITCHING
STATION
SYLMAR DC-AC
CONVERTER
STATION
SOLAR
ONE
MOHAVE
GENERATING
STATION
CASTAIC
POWER PLANT
BOULDER POWER
TRANSMISSION STATION
CORONADO
GENERATING
STATION
COLORADO RIVER
AQUEDUCT
Los Angeles
Area
Phoenix
Area
PALO VERDE
GENERATING STATION
(Under Construction)
ARIZONA

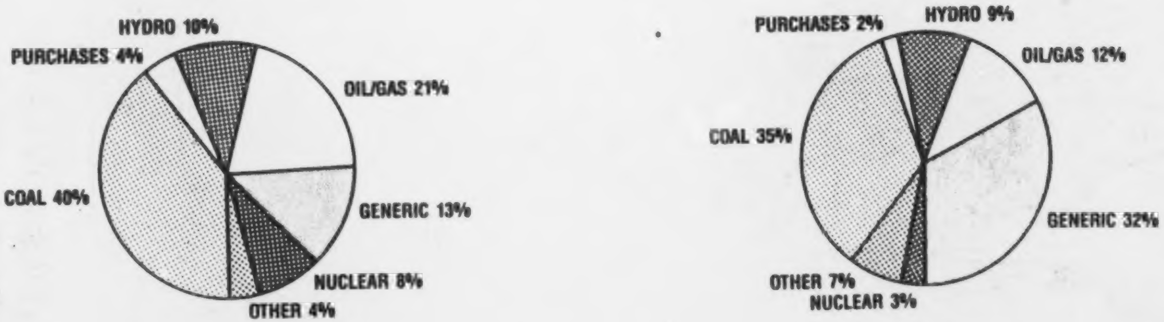
TRANSMISSION LINES,
AQUEDUCTS AND POWER PROJECTS
in service and under construction

ENERGY MIX - LOS ANGELES



1970 ACTUAL

1985 ACTUAL



1995 FORECAST

2005 FORECAST

Fig. 2

Fig. 3

PROPOSED DESERT LEGISLATION

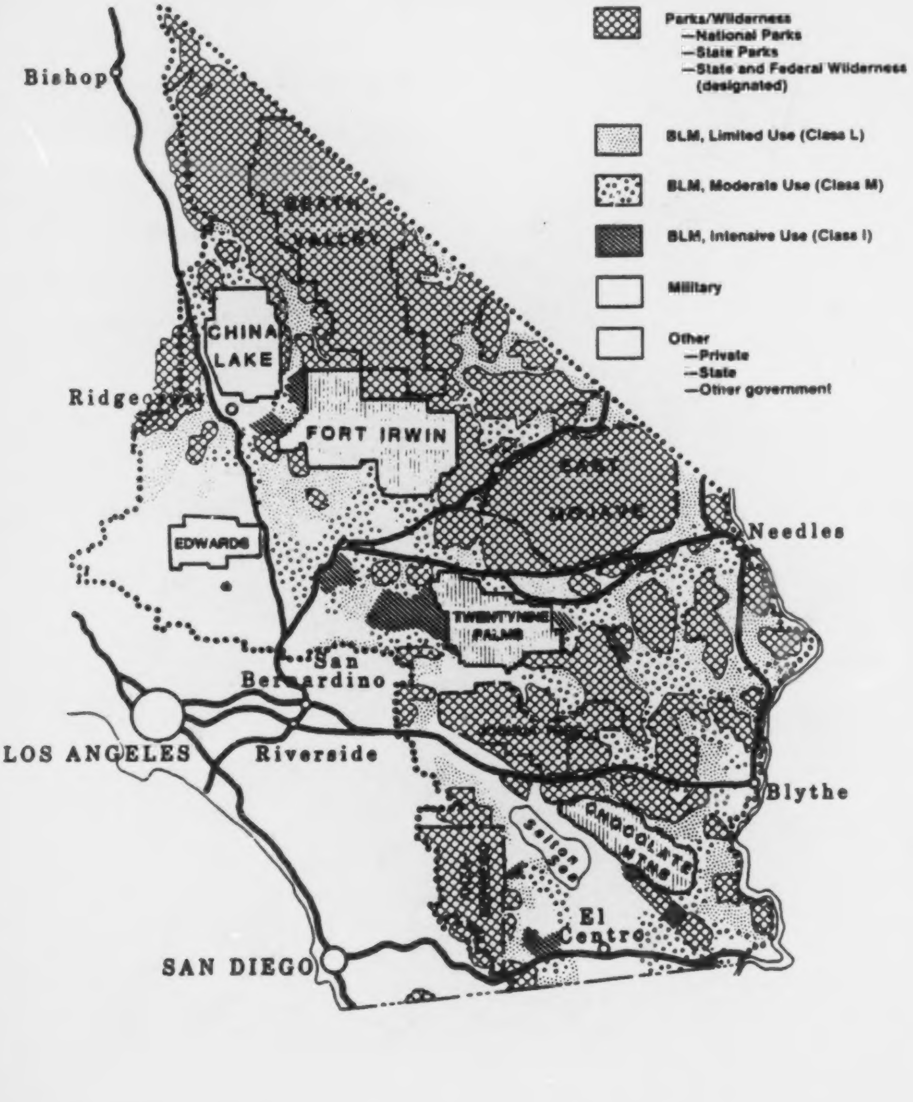
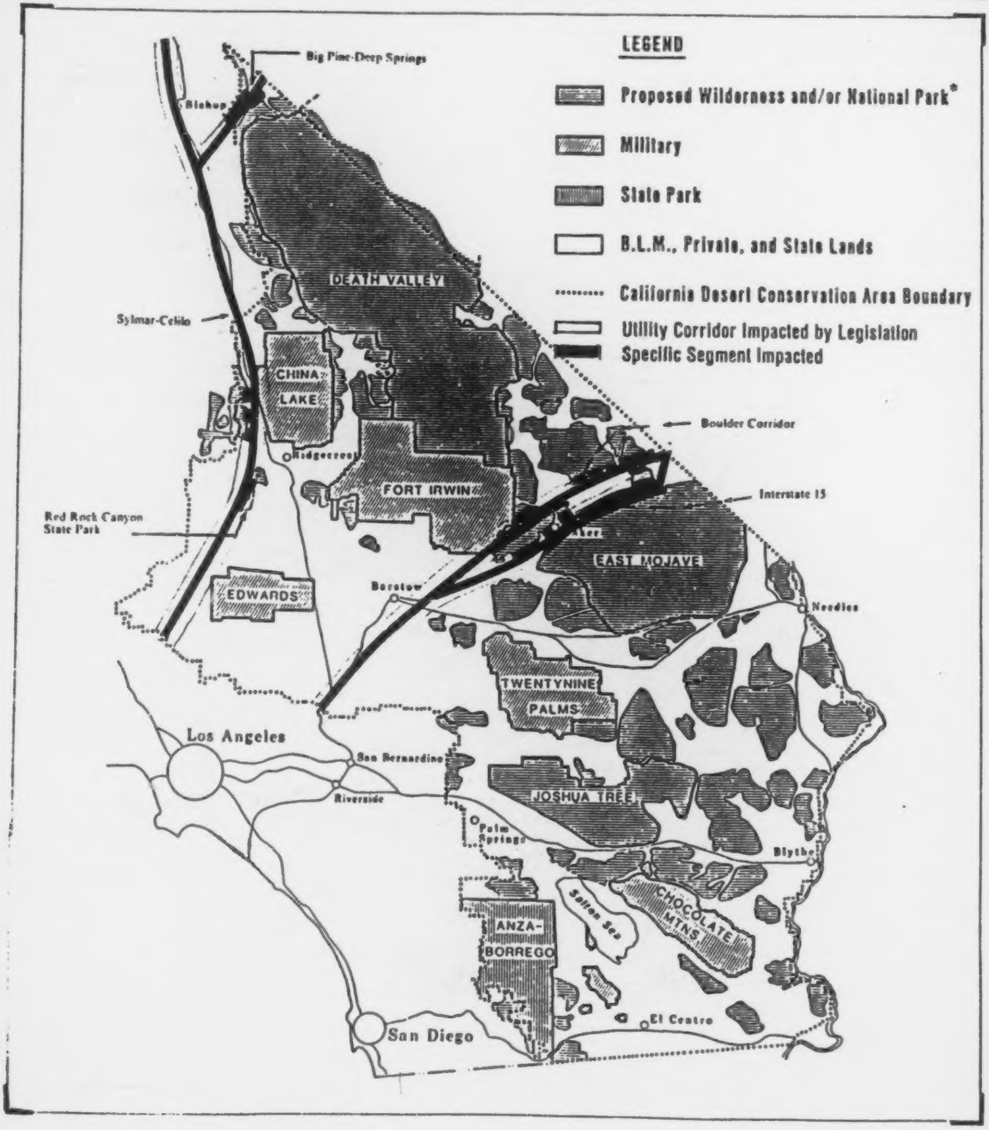

Parks/Wilderness
—National Parks
—State Parks
—State and Federal Wilderness (designated)
BLM, Limited Use (Class L)
BLM, Moderate Use (Class M)
BLM, Intensive Use (Class I)
Military
Other
—Private
—State
—Other government
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EAST MOJAVE
EDWARDS
Needles
TWENTYNINE PALMS
San Bernardino
LOS ANGELES
Riverside
Blythe
Salton Sea
CHOCOLATE MTNS
El Centro
SAN DIEGO

Fig. 4

CALIFORNIA DESERT PROTECTION ACT
UTILITY CORRIDORS


LEGEND
Proposed Wilderness and/or National Park*
Military
State Park
B.L.M., Private, and State Lands
California Desert Conservation Area Boundary
Utility Corridor Impacted by Legislation
Specific Segment Impacted
Big Pine-Deep Springs
Bishop
DEATH VALLEY
Sylmar-Celilo
CHINA LAKE
Ridgecrest
Boulder Corridor
FORT IRWIN
Interstate 15
Red Rock Canyon State Park
EAST MOJAVE
EDWARDS
Barstow
Needles
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
Palm Springs
Blythe
Salton Sea
CHOCOLATE MTNS.
ANZA-BORREGO
El Centro
San Diego

City of Los Angeles

CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 485-3311

OFFICE OF THE MAYOR

TOM BRADLEY
MAYOR

July 14, 1987

The honorable Dale Bumpers, U.S. Senator
Chairman, Subcommittee on Public Lands
Senate Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

RE: S. 7 (CRANSTON), THE CALIFORNIA DESERT PROTECTION ACT

Dear Senator Bumpers:

I am writing to express my wholehearted support for Senator Alan Cranston's bill to protect the desert lands of California.

As Mayor of Los Angeles, a city of more than three million people who live within a few hours' drive from this scenic wonderland, I am extremely concerned about the future of these fragile landscapes. Every year, tens of thousands of my constituents journey to experience for themselves the unique geology, wildlife and flora that can only be seen in the Mojave Desert, Death Valley, Joshua Tree, Red Rock Canyon and surrounding areas. They also visit the California desert to enjoy the matchless sense of solitude, peace and majesty that these spectacular mountains and valleys provide. A weekend trip to the desert when the wildflowers are blooming is a well-known tonic for the commotion of urban life. It is a privilege that I would hope will be preserved for all Americans, now and in the future.

Senator Cranston's visionary legislation would give Californians that assurance, by creating three new national parks and 81 separate wilderness areas, encompassing some 10 million acres throughout the southeastern portion of the state. Passage of this bill will halt the overuse of key wilderness desert areas that has been permitted by the federal Bureau of Land Management (BLM). No protected wilderness area should suffer such abuse, but the desert ecology is particularly slow to recover from the scars left by mankind, as the still-visable tank tracks from General Patton's Third Army, which trained there in 1942, attest.

Opponents of this bill have adopted a strategy of misinformation by describing it as a "land grab" by the environmental organizations, which would make the desert available only to hardy backpackers, and would "lock up" its mineral and fuel resources. These charges are untrue. Some 30,000 miles of roads that provide public access to these areas would remain open, as would campgrounds, hotels and other visitor services. Existing mining, oil and gas exploration operations and claims would remain in force. Even the off-road vehicles that have proven so destructive to the desert would still be permitted to use most of the areas now legally open to them.

A more accurate way to regard Senator Cranston's bill is as a redemption of previous federal pledges to preserve the desert. In 1980, the BLM adopted a California Desert Plan that was supposed to ensure that the desert would be protected from reckless exploitation and destruction. These protections have proven to be only as strong as the will of BLM officials to enforce them, which in recent years has been inconsistent at best.

Now, the time has come for Congress to step in. Only Congress can speak for the vast majority of Americans who want precious natural areas such as the California desert preserved for future generations. Senator Cranston's bill provides the best opportunity to ensure that residents of Los Angeles and the rest of the nation will be able to enjoy the special environment of the California desert for decades to come. I urge your prompt consideration and passage of this legislation.

Sincerely,

Tom Bradley

TOM BRADLEY
Mayor

cc: Senator Alan Cranston
Senator Pete Wilson
Congressman Mel Levine
Councilman Michael Woo
Jeff Wider, Sierra Club
James Seeley, City Legislative Representative

Senator **Fowler**. Thank you, Mr. Braude, very much.

We are now going to hear from the Department of the Interior, Mr. J. Steven Griles, the Assistant Secretary for Land and Minerals Management. With him are Mr. Robert Burford, the Director of the Bureau of Land Management, and Mr. Edward Hastey, the California State Director, Bureau of Land Management.

Mr. **Griles**. Mr. Chairman, while Mr. Burford empties his bags, we would like that our detailed statement be submitted for the record. We will try to summarize in view of the lateness of the hour.

Senator **Fowler**. It would be very helpful. Thank you.

I am just anxious to see what he is going to do with all that material when he gets it out.

Mr. **Burford**. We spent a lot of time talking about the California Desert Plan. This is what went into the California Desert Plan.

Senator **Fowler**. I am impressed, Bob. Now, put that back in the sack and let's get on with the hearing. [Laughter.]

Mr. **Burford**. I was going to request that you read it.

STATEMENT OF J. STEVEN GRILES, ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY ROBERT BURFORD, DIRECTOR, BUREAU OF LAND MANAGEMENT; AND EDWARD HASTEY, CALIFORNIA STATE DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. **Griles**. Mr. Chairman, we are here today, some say in force, because we believe this issue is important. Not only is it important to those Californians who are here, but to the rest of us from America who depend upon the California Desert.

We strongly oppose the enactment of S. 7. In our opinion, this legislation represents a breach of faith for those who less than 10 years ago worked out a reasonable and balanced solution for desert conservation and its use.

You have, Mr. Chairman, submitted for the record a letter from Secretary Hodel today, which he asked me to deliver, and you have entered it into the record. I will not read that letter in its entirety, but I would like to quote one of the Secretary's statements, and I quote. "Rather than undertake a sweeping action such as contemplated in S. 7, which would brush aside all that has previously been accomplished, I urge Congress to reaffirm its support for the process that resulted in the California Desert Plan and the commitments we've made to the millions of people who use the Desert."

Mr. Chairman, this statement speaks to the heart of the issue. We do not need to begin again. We must not ignore the commitments made to the millions of desert users who through years of professional study, and yes, compromise, now must again fight to protect their legitimate uses of the desert.

S. 7 does not change the management of most of these lands from the Department of the Interior. It is only a change within the structure of the Department of the Interior. And the Secretary of the Interior will continue under any of these legislative proposals to be the manager.

This legislation will make major changes in the management, as I indicated, and will directly affect approximately 10 million acres in terms of change of use. The bill presumes that public lands and resource values can be protected only by including them in national parks or in the National Wilderness System. This simply isn't true.

Mr. Chairman, in our opinion, S. 7 ignores the California Desert Plan which was formulated in 1980 after hundreds of hours of meetings and considerations, some 40,000 comments from interested parties, and $8 million in expenditures to develop the plan, which is I believe a wise investment of the public's money. And it ended—was intended to end—the polarization that had occurred among those with diverse uses and interest.

This plan goes through an annual review to see if it needs to be updated, and it has been. The plan is an excellent example of consensus through land use planning that has occurred.

I think it ought to be noted for the record, Mr. Chairman, that the Desert Plan was approved by Secretary Andrus in the Carter Administration in 1980 and reaffirmed without change by Secretary Watt in 1981. It has not been changed by Secretary Clark or Secretary Hodel. We have left the decisions to the professional managers like Ed Hastey, who has been spoken of His name has been taken not in vain today, but in terms of the professionalism that he has exhibited in managing the development of this plan. Yet, we see S. 7, which in our opinion ignores this.

Seven years is the projected long-term implementation period for this plan. About 25 percent of the 25 million acres in the desert is already committed to parks and wilderness areas—25 million acres, about 25 percent.

An additional 25 percent under this plan is managed by BLM primarily to protect cultural and natural values. Only a small fraction, 2 percent, of the total desert area allows for intensive use, including off-road vehicles.

Now, despite the growing success of the Desert Plan, only a decade after Congress designated the California Desert Conservation Area, we see an intent to start all over. In 1980 an *L.A. Times* editorial said, in endorsing the California Desert Plan, that the plan appears—and I would like to quote—"to protect the interests of preservationists, while recognizing the needs of miners, ranchers and utility companies. It is a balanced plan no one group will be entirely happy with, and that's a good sign."

We manage diverse lands. We have diverse interests. We will not make all of the public happy. This plan is intended to try to weigh and compromise those interests.

Today, in one of the newspapers was this quote from Jim Dodson, the Sierra Club, Southern California Regional Vice President. He says, "The BLM has a basic bias. They feel good when people are using the land." The BLM believes that these lands are for people. We believe in wilderness. And wilderness is an important use of the desert, but it is only one of the important uses.

Make no mistake. The Department of the Interior is not opposed to wilderness. On the contrary, we fully support the designation of suitable areas for wilderness as outlined in the 1964 Act. As proof of that support, I believe 1.9 million acres that have gone through the land use planning process will be submitted to the President for consideration for California Desert wilderness.

It is also worth noting that designation at this level will include four times the size of the acreage designated for intensive use.

Furthermore, the Department continues to support an administrative designation of 2 million acres of wilderness within the current boundaries of the Death Valley National Monument. Thus, more than 10 percent of California will be wilderness under the proposals that we support.

Mr. Chairman, one of the things we are concerned about is that in 1976, Congress mandated the wilderness study process. We put it in place, and it has been working. It should continue to work, and it should continue to be the basis upon which recommendations are made to you. Under that study process for the California Desert, 5.6 million acres were reviewed, and 1.9 million acres have been determined to be suitable. That process again is under way, and it is intended to be concluded by 1989.

We would hope that you would wait for the administrative process, the public process, to be completed before you would give further consideration to those issues. In the meantime, the 5.6 million acres are managed as wilderness. They are not used for multiple use or any other thing. They are used as wilderness.

Secretary of Natural Resources, Gordon Van Vleck, made a point about the mineralization of the California Desert. Because the California Desert is one of the most diverse geological and mineralized regions of the United States, it has significant deposits within it. Some are being developed today, but developing technologies are changing the strategic value of the desert minerals as well. Rare earths are critical components in the new semiconductor materials we have been reading about in the papers. That material is coming from the California Desert.

Future reserves, which may be far in excess of what we know about today may reside there, we believe. To lock them up will make them unaccessible. There are a number of other minerals that are key to the success of the country, and they are set forth in our detailed statement.

But we must make an effort to make sure that we know what we are doing when we put these lands off from exploration. Too often the misconception that absence of evidence is evidence of absence is applied in the decision making process here. That is what we see.

In 1975 the previous Director of the USGS, Vince McKelvey, wrote: "Appraising mineral resources is an emerging science. A final, once-and-for-all inventory of all mineral resources is nonsense. Mineral reserves and resources are dynamic qualities and must constantly be appraised as known deposits are exhausted, unknown deposits are discovered, new extractive technologies are used. He went on to say we need to be aware of what we are doing. In fact, in the California Desert the extraction of gold has increased, as I understand it, from about 5,000 ounces to better than 300,000 ounces this year due to a technique that was only developed within the last five years. That is the kind of concern we have about the impact of this legislation.

Another impact is on the local counties, the rural counties. Many of you know that there has been a lot of opposition. In recognition of this local down-side of S. 7, the leaders of 23 California counties, along with the National Association of Counties, have passed resolutions in opposition to the Cranston bill.

We are concerned about the legislation. We believe that the BLM is doing the job well. The statements made about the State Director and the professionalism of BLM in California reflect that. The California Desert is a unique area, and it is a stellar example of the multiple-use concept, balanced land management and environmental protection that can ensue through the land use planning process. That has been our goal, and we believe it is being achieved.

Mr. Chairman, in closing we ask that you give full consideration to the past activities that we believe to be important, and that includes the public planning process. We ask that you consider this before you make decisions that would overstep those and substitute other judgments.

Mr. Chairman, I would be happy to answer any questions.

[The prepared statement of Mr. Griles follows:]

STATEMENT OF J. STEVEN GRILES, ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, ON S. 7, THE "CALIFORNIA DESERT PROTECTION ACT OF 1987."

July 21, 1987

Good afternoon, Mr. Chairman and members of the Committee. I am here today to present the Administration's views on S.7, the "California Desert Protection Act of 1987."

We are strongly opposed to the enactment of S. 7.

S. 7 is intended to provide protection for public lands in the California Desert. To accomplish its stated intent, it would designate vast areas of Southern California as new wilderness, greatly expand the National Park System, and transfer large acreages to the State of California, among other provisions, ignoring the results of a 10-year planning process in the area. Much of this land is already under the stewardship of the Bureau of Land Management (BLM) and the National Park Service (NPS).

We do not believe this bill would improve the current management of the California Desert already achieved under our existing authorities. In fact, it represents a breach of faith with those who, less than ten years ago, worked out a reasonable and balanced solution for Desert conservation and use. We believe this legislation would have a great negative impact on this 25 million-acre area, which comprises more than one quarter of the State of California.

Moreover, S. 7 contains erroneous findings regarding the resources of the California Desert. It sets out a policy that certain public lands must be included within the National Park System and the National Wilderness System in order to preserve them in their natural state or to preserve historical or cultural values of the California Desert. We find this analysis to be flawed. It fails to portray the resources adequately or address a number of important and significant points about the California Desert, including:

- All that has been done over the past 10 years to protect and manage the California Desert;
- The reasons for Congressional establishment of the California Desert Conservation Area;
- The extensive planning that resulted in the Desert Plan and the role of the Advisory Council, both previously mandated by Congress;
- The adverse economic impact S. 7 would have on rural communities and county planning processes that have relied on our Desert Plan;

- The highly significant mineral values, including strategic minerals and rare earths, that are ignored under this bill;
- Restrictions on hunting and the inability to provide wildlife habitat improvement, with resultant negative impact on wildlife;
- Negative effects on longstanding grazing operations and potential loss of viable wild burro herds;
- The importance of utility rights-of-way for meeting present and future needs of the Los Angeles and San Diego metropolitan areas;
- The major impact on activities of the Department of Defense that relate to national security; and
- The potential loss of recreation and vehicle opportunities for millions of current recreation users who engage in activities other than isolated wilderness experiences.

Ultimately, the bill presumes that public lands and resource values can only be protected or enhanced by including lands in the National Park System or the National Wilderness System. This is simply not true.

Let me now address the history of this area, Mr. Chairman, and our major concerns with the bill.

LEGISLATION, PLAN DEVELOPMENT, & COORDINATION

The BLM, in the late 1960's, identified the problems associated with a growing Southern California population and the enormous uncontrolled recreation uses that were beginning to occur. A general plan was developed in the late 1960's that led to Congressional and Administration support for the designation of a California Desert Conservation Area (CDCA). This was accomplished through section 601 of the Federal Land Policy and Management Act of 1976 (FLPMA), based upon findings by BLM in the period from 1965 to 1975. Section 601 of that Act provides specific direction by Congress as to how these lands will be managed. It directed the Secretary to "prepare and implement a comprehensive long-range plan for the management, use, development, and protection of the public lands within the CDCA. Such plan shall take into account the principles of multiple use and sustained yield in providing for resource use and development, including, but not limited to, maintenance of environmental quality, rights-of-way, and mineral development." This plan was prepared as required.

Furthermore, section 601 directed the Secretary of the Interior to establish a California Desert Conservation Area Advisory Committee to oversee preparation and implementation of a comprehensive, long-range plan for the CDCA. The Secretary appointed experts in many fields to guide both the inventory and planning effort. Development of the plan cost the taxpayers more than $8 million. Scientists with expertise in biology, zoology, architecture and urban planning, earth sciences, and environmental science joined with experts representing the mining industry, outdoor recreation, cultural and historical resources, and Native American resources on the 15-member committee.

The Desert Plan was formulated with extensive public involvement and consultation with local/county/State/Federal officials to protect the unique resources and values of the Desert, as well as to assure that public land resources were prudently used and managed. After 3 years of intense data collection and analyses and numerous public meetings and workshops, 18,000 copies of the draft planning document and related environmental impact statement were distributed for review and comment. Following that, more than a dozen hearings and workshops were held and attended by over 900 people, with the committee reviewing nearly 9,000 written responses containing more than 40,000 individual comments.

The result was a plan that met all of the requirements set by Congress, balancing diverse public demands and needs. Development of the plan included close coordination with the Department of Defense to ensure the military mission was properly recognized in the Plan, and excellent cooperation with the counties and State to ensure consistency with local plans.

Widely endorsed, the Plan was approved in 1980 and 1981 by both Secretary Andrus and Secretary Watt. As a 1980 Los Angeles Times editorial stated, the Plan "protects the interests of preservationists, while recognizing the needs of miners, ranchers and utility companies. It is a balanced Plan no one group will be entirely happy with, and that's a good sign."

But S. 7, Mr. Chairman, ignores the vast amount of work that went into this carefully balanced Plan. We believe the Plan identifies classes of land use that assure protection of public lands with orderly and beneficial use of their resources for all Americans, now and in the future. It provides categories for controlled use (wilderness preservation), limited use (protection of sensitive areas), moderate use, and intensive use (including mitigation of impacts). Almost 8 million acres is classified under the controlled or limited categories, and only 500,000 acreas are in the high-use categories.

As a result, with Congress' approval, more than $8 million was spent to develop the Desert Plan, which has the full support of local counties, State agencies, and most public land user constituencies. Military and other Federal agencies, including the National Park Service, fully concurred with the final Desert Plan, including preliminary wilderness proposals adjacent to their boundaries.

WILDERNESS

We take issue with S. 7's allegation that the wilderness values of these lands are increasingly threatened and especially vulnerable to impairment. It is not a correct or accurate statement of what is presently occurring in the CDCA under the California Desert Plan. Recognizing that wilderness is one of the important multiple uses of the California Desert, the California Desert Plan established 5.6 million acres of wilderness study areas that had at least the minimum characteristics and warranted further study.

Extensive public involvement and over 50 public meetings were held as part of this process. No appeals were filed challenging the identification of wilderness study areas.

Based on these studies, using a balanced approach to wilderness designation, approximately 1.9 million acres, or 33 per cent, of the study acreage has been preliminarily recommended as suitable for designation as wilderness.

Without any recognition of this process, S. 7 proposes to designate almost 100 percent of the study acreage, plus additional acreage not even studied.

We wish to point out, Mr. Chairman, that the mineral studies required by FLPMA are being conducted on wilderness study areas in the CDCA by the Bureau of Mines and the U.S. Geological Survey. These studies, as they are completed, are being reviewed by the public, the State of California, and the Bureau of Land Management.

It is important to note that these surveys are only being done on the 1.9 million acres BLM is recommending as suitable for inclusion in wilderness. Mineral data studies have not been conducted for much of the additional 6 million acres which S. 7 proposes be added to the National Wilderness System or National Park System. Congress has previously indicated that such a review is necessary before considering withdrawal of public lands from future exploration. We believe that inclusion of that additional acreage in the National Wilderness System without knowing the mineral potential of the area would not be in the public interest.

Furthermore, BLM has been managing these areas under specific Congressional direction pending its final decision on wilderness recommendations. Existing and even new uses are allowed in wilderness study areas, but Congress has also stated that the wilderness values could not be "impaired." This means that permitted activities must not cause any significant impact, except those that can be removed or made substantially unnoticeable. BLM has closely adhered to these standards. All proposed activities have been carefully analyzed to consider their environmental impacts. Uses that would violate the non-impairment standard have been denied. Those that have been allowed are required to follow strict mitigation and reclamation standards.

The wilderness study process already in place and working should be permitted to continue. Public land users are included in the process, and resource values are being fully and fairly analyzed. Wilderness values are being protected in accordance with section 603(c) of FLPMA.

Additionally, lands which would become wilderness if S. 7 is enacted, but which are not presently designated as BLM wilderness study areas, have generally been classified under the Limited Multiple-Use Class (Class L) in the Desert Plan to protect sensitive, natural, scenic, ecological, and cultural resources. Also within the category are 670,000 acres of Areas of Critical Environmental Concern which were designated under FLPMA and the Desert Plan to highlight areas with special resource values. These lands are managed for generally lower intensity and carefully controlled use of the resources, while assuring that sensitive values are not diminished.

S. 7, however, would bypass these procedures and ignore both the results of the wilderness study process and public input. Instead, it would designate as wilderness almost all of the acreage currently being studied for wilderness potential, plus additional acreage that did not even qualify for study. This would have a significant detrimental effect on general public access for numerous recreation activities involving millions of other users. In addition, these designations would preclude all future resource management options. Finally, the question of any Federal reserved water rights in wilderness areas is not addressed in the bill. We believe this to be a serious oversight.

MINERALS

S. 7 does not address the potential loss of minerals in the lands proposed for transfer and withdrawal from entry or appropriation. These lands have a past history of mineral development for locatable minerals and presently have favorable potential for future discovery of locatable mineral deposits, in addition to potential for strategic and energy-related mineral resources.

Statements have been made that the major mineral commodities now being produced in the California Desert are sand and gravel, and that there is little remaining commercially valuable mineralization in the California Desert Conservation Area. We do not agree.

Although sand and gravel are still important mineral commodities in the desert, especially considering the growth in the Southern California area, the CDCA contains a wealth of other minerals as well. Even though much of the area has not been fully explored, the CDCA is one of the most diverse geologic regions and mineralized areas of the United States. It contains known occurrences of over 65 mineral commodities; 24 of these are considered strategic and 3 are considered critical to our Nation's needs. In many categories, the current demand is so high that we must now depend on foreign sources to satisfy our needs. The in-place value of known mineral resources in the California Desert was estimated at $232 billion in 1982, based on 1979 data.

In 1986, approximately $1.1 billion worth of the $2.3 billion California non-fuel minerals came from the California Desert. Minerals found and produced in the California Desert include 100 percent of the Nation's borates, 97 percent of the domestic rare earths, 15 percent of the talc, 10 percent of the crude gypsum, and 6 percent of the metallic minerals.

S. 7 does not address the enormous potential loss of minerals critical to the security of the nation. Of special interest are the rare earth deposits. The source of almost all this Nation's current production, and half of the free world's production, is located in the Mountain Pass area adjacent to the proposed Mojave National Park. This is of great concern to us because of the tremendous interest shown recently concerning the rapid advancements in superconductor technology. The United States could achieve significant advantages in global economic competitiveness by both developing and marketing effective uses of this technology. An important discovery in superconductivity in recent months has been the use of the chemical elements lanthanum and yttrium, which are mined from these rare earth mineral deposits and make high-temperature superconductors feasible. Rare earths have other high technology applications, such as x-ray phosphors which allow clearer images to be formed from smaller doses of x-rays, and crystals for lasers.

Areas with similar environments favorable for finding these critical rare earth mineral deposits exist throughout the CDCA. For example, during the recent mineral studies by the Bureau of Mines, a new rare earth discovery was made in the Pinto Mountains Wilderness Study Area. This area is located on the northern boundary of Joshua Tree National Monument and would be included in the proposed park expansion area under S. 7. We cannot afford to limit or prevent the future development of these materials by putting them in a national park. Other such deposits are now unavailable to the United States because they have been locked up previously in units of the wilderness system. The only other known economic deposit of rare earths in the United States are placer deposits located in central Idaho. These deposits were incorporated into the national wilderness preservation system as the Sawtooth Wilderness in 1972, and the lands were withdrawn from mineral entry, thus precluding them from mineral development.

In addition, mineral commodities in the CDCA are of major economic significance to the local economy, and several are critical to the national domestic economy. These commodities support local industries that employ thousands of people in Southern California, generate millions of dollars in wages and taxes, and support other industries, such as construction and agriculture. Among others, these commodities include oil and gas, zeolites, and specialty clays used in energy, pollution control systems, chemical refining, ceramics, drill muds, and specialized chemical research.

Another important mineral in the Desert is gold. Annual production of gold has accelerated immensely, from less than 5,000 ounces five years ago to 200,000 ounces in 1986. With new mines being readied for production, it is anticipated that gold production will climb to 255,000 ounces in 1987 and 305,000 ounces in 1988. At today's prices of gold (about $450 an ounce) the gross value of this production is about $137 million per year.

Geothermal energy is also of immense importance, with significant exploration activity occurring within the CDCA. As an example, Imperial Valley, which includes seven known geothermal resource areas, is second only to the Geysers geothermal area in Northern California in geothermal energy production in the United States. Also of critical importance is the Coso known geothermal resource area located on BLM public lands and withdrawn lands administered by the China Lake Naval Weapons Center. It is assumed to be the third most significant geothermal field in the western United States. There is high potential for additional geothermal resources in other parts of the Desert.

Of approximately 145,000 unpatented mining claims of record for locatable minerals in the State of California, 80,000 are located within the CDCA. Since 1980, over 1,200 mining operations under the 1872 Mining Law have been reviewed by BLM personnel. Interest in exploration remains strong. Limestone and carbon dioxide also contribute to the mineral wealth of the Desert. Other commodities such as lithium, uranium, kyanite, molybdenum, silver, trona, tungsten and sodium carbonate are present and exploration activities are widespread.

As to oil and gas development in the Desert, there is some interest, but only a few of the 492 leases covering 450,554 acres have ever been drilled. Oil and gas potential will remain unknown until adequate exploration takes place. Lessees now pay the United States $450,554 per year. Continuation of these and other revenues is important to reduce Federal deficits.

Because of this extensive mineralization, public lands in the Desert, except for those areas that would be designated as wilderness under the Desert Plan recommendations, should be left open for mineral exploration to assure sound local and regional economies, as well as for national security reasons. The 33 percent of wilderness study acreage currently recommended by BLM for inclusion in the national wilderness system includes lands of the highest wilderness values. Our recommendation also recognizes known mineralization and thus excludes some areas. Many mineral professionals and experts believe that the 1.9 million acres in the Desert proposed by BLM for wilderness designation also possess significant mineral resources, but they accepted the fact that many trade-offs had to be made during the Plan preparation in order to achieve a balance of resource allocation.

In contrast, as we have noted, S. 7 simply incorporates almost all lands under wilderness study and ignores minerals data developed in the inventory and planning process. Most shortsighted is the failure in S. 7 to recognize the tremendous variety of minerals in the Desert which may have uses yet to be determined for society.

RECREATION AND VEHICLE USE

Visitors spend more than 16 million visitor days a year in the Desert, making it one of the most popular recreation areas in the United States. The variety of uses and opportunities are tremendous, including hiking, hunting, camping, rockhounding, bicycling, land sailing, sightseeing, and off-highway vehicle (OHV) use.

The Desert Plan process identified off-road vehicle recreation as a key issue and one which polarizes many groups. Some OHV activities, such as dune buggy play on a sand dune area, are very intense. Other activities are as benign as driving a car or pickup on an old, two-track road in the Desert.

Vehicle use in the Desert is important both for simple transportation and recreational use. S. would severely, and unnecessarily, restrict both these uses. What the bill fails to recognize is that, in the Desert, most visitors and residents alike are off-highway vehicle users at one time or another. Directly closing 2,235 miles of key access routes, as the bill would do, would adversely affect not only OHV recreation, but basic access to the Desert as well.

Proponents of this bill have stated that BLM does not adequately control vehicle use in the Desert. This is simply not true. BLM for a long time has been committed to proper management of OHVs. This commitment can be traced back to the early 1960's when BLM recognized OHV use as a major Desert issue needing immediate attention. In 1973, in response to ever-increasing vehicle use, BLM developed and implemented the Interim Critical Management Plan to manage vehicle access. This system was largely integrated into the 1980 Desert Plan, when the route designation process became a key element in managing this use. To date, the majority of the Desert has been examined in the vehicle route designation process. Under this process, specific access routes within sensitive areas are established, followed by on-the-ground enforcement and posting of signs designating mode of operation permitted. There has been extensive public involvement in these efforts.

Public education and awareness of proper use of the Desert are also critical elements in vehicle control. Recreation and interpretive specialists utilizing mobile interpretive trailers, brochures, and audiovisual aids are used. However, law enforcement is also important and is a high BLM priority. BLM desert rangers have issued nearly 1,000 citations in the past year alone to OHV users for violations of rules and regulations.

Effective use and management of special areas has prevented expansion and proliferation of OHV uses outside of these areas, minimizing impacts on other areas of the CDCA. For example, BLM categorized certain OHV activities, such as OHV play, and designated about 500,000 acres as "open" for all kinds of OHV use. Covering about 4 percent of BLM lands in the Desert, these open areas have received intense vehicle use for many years and have boundaries which are easily recognizable for management of the activity.

Detailed management plans are currently being prepared to help alleviate conflicts within and adjacent to open areas. The management plans will provide for acquisition or exchange of private lands and cooperative use agreements with private landowners to reduce impacts on private lands; protection or mitigation for sensitive resources where practical; and identification of staging areas and other controls on use to improve safety and guide distribution of vehicles.

Priority for the route designation process was given to areas classified in the Limited Multiple Use Class, which covers almost 49 percent of the Desert. Lands in this class, which adjoin both Death Valley and Joshua Tree National Monuments and comprise most of the East Mojave National Scenic Area, are managed to protect sensitive natural, scenic, ecological, and cultural resource values by providing for lower-intensity, carefully controlled multiple use of resources. Motorized vehicle use is allowed on only approved routes of travel, where existing routes of travel are closed unless specifically designated "open." S. 7 fails to acknowledge this balanced approach.

GRAZING

Grazing has been a longstanding, historical use of some public lands in the Desert, dating back to the 1800's. Through its proper management under the Desert Plan, current grazing use actually helps maintain the environmental balance in selected areas.

S. 7 would affect this traditional grazing use substantially. Of the 79,000 animal unit months authorized in the Plan, about 55 percent would be eliminated by S. 7. This radical reduction would do little to change the vegetative composition of the Desert, but would have a significant economic impact on communities in the Desert which are dependent on the livestock industry as one of their revenue sources.

WILD BURROS

A major accomplishment of the California Desert Plan has been the reduction of wild burro overpopulations which have damaged Desert resources. BLM has removed and placed through adoption 20,000 wild burros over the past six years. We are now reaching our optimum herd levels for these areas.

S. 7 would place four herds of about 530 animals in the Death Valley expansion and the proposed East Mojave National

Park under the jurisdiction of the National Park Service. It is Park Service policy to totally remove these populations of wild burros because they are not native animals. BLM's policy of managing burros at optimum herd levels would maintain the four herds, containing almost half of the total population of these animals in California, in accordance with the mandates of the Wild Free-Roaming Horses and Burros Act of 1971.

DEATH VALLEY

We are also opposed to sections 201 through 203, which would enlarge substantially the existing 2 million-acre Death Valley National Monument through addition of 1.5 million acres of contiguous public lands, and would designate the area as a national park. We believe that statements in the bill about incompatible development and inconsistent management affecting park resources are erroneous. Enlargement of the monument boundaries and the change in designation to a national park would have an adverse impact on carefully balanced mineral, livestock, and recreational use of the Desert. It would also have a significant impact on military installations in the Desert, particularly the China Lake Naval Weapons Center. Restrictions on military activities, such as reductions in air space, flight levels, and weapons testing, could be detrimental to national security and military readiness.

Because the Desert Plan was thoroughly coordinated with other Federal agencies, we question the advisability of any proposals or actions that would greatly increase the costs of managing lands and significantly impact uses of public lands contiguous to the proposed park lands. It should be emphasized that the present 2-million acre National Monument is more than adequate to protect Death Valley as a representative example of the Mojave Desert. The proposed enlargement does not add any different features, but does eliminate many opportunities for other uses of the lands by millions of citizens. While there may be some rationale for minor boundary adjustments to improve management of the monument, such adjustments can be made administratively under the authority of the Antiquities Act of 1935; legislation is unnecessary.

Furthermore, section 205 of S. 7 does not address the potential loss of minerals in the lands proposed for transfer and withdrawal from entry or appropriation. These lands have a past history of mineral development for locatable minerals and presently have favorable potential for future discovery of locatable mineral deposits, which may include strategic and energy-related mineral resources. It is not clear if the lands would also be withdrawn from operation of the Materials Act of 1947, as amended. We note that park and monument lands are closed already to mineral entry under the Mining in the Parks Act. The language in S. 7 is therefore redundant.

JOSHUA TREE

For similar reasons, we also oppose sections 301 through 303, to enlarge the existing 560,000-acre Joshua Tree National Monument through the addition of 245,000 acres of contiguous public lands, and to designate that area, as well, as a national park. The existing public lands outside the monument boundary are of immense value to diverse groups who benefit from using these lands as other than parks and wilderness. Again, S. 7 makes an erroneous and unsubstantiated statement that the monument and contiguous Federal lands are exposed to incompatible development and inconsistent management. The monument presently encompasses 560,000 acres and provides more than adequate representation of both the Mojave and Colorado Desert ecosystems. Again, any boundary additions here can be made administratively, if necessary. In addition, the State of California has more than a half-million acres set aside in the Colorado Desert ecosystem within Anza-Borrego Desert State Park.

PROPOSED MOJAVE NATIONAL PARK

We also strongly object to sections 401 through 406, which would establish the 1.5 million-acre Mojave National Park.

It would require the transfer of 1.29 million acres of public lands from BLM to the National Park Service and would abolish the present East Mojave National Scenic Area administered by BLM. This new national park is totally unnecessary. The California Desert Plan designated the East Mojave National Scenic Area and began appropriate planning for the preservation of the natural scenic beauty of the 1.29 million acres, while retaining the historic uses of the land such as mining, grazing, and recreation. With extensive public involvement, BLM prepared the East Mojave National Scenic Area Management Philosophy Statement that was completed in August 1981. The Scenic Area designation was concurred in by the National Park Service because the area not only did not have the qualities needed to designate it as a national park but also because it contained many uses incompatible with a national park, such as interstate pipelines, powerlines, and a railroad. We object to a proposal for a major new national park that does not meet the established standards for new NPS areas.

Furthermore, the Scenic Area is now managed to protect defined scenic, natural, cultural, historical, and recreational resource values and yet allow for other resource uses such as grazing, mining, and vehicle use. For example, hunting and wildlife management is a major activity in the East Mojave that would be eliminated under S. 7. The East Mojave contains the best opportunities in San Bernardino County and Southern California for hunting deer and upland game. Additional sources of water and habitat improvements, made in cooperation with the State fish and game agency to benefit wildlife, would be impacted. Progress in such programs as reintroduction of bighorn sheep could be lost. This effort has been so successful that the first bighorn hunt authorized by the State was conducted recently in this area. This area is also highly mineralized and many mining claims have been worked over many decades. Currently, more than 10,000 mining claims exist within the proposed park.

Protection is now provided by BLM under the National Scenic Area designation, using the basic protection philosophy outlined in the Desert Plan. Costs of this protection are considerably less than that which would be incurred by the National Park Service if the area were designated a national park. Moreover, this bill proposes an addition of 100,000 acres to the park above the acreage within the current East Mojave Scenic Area.

We wish to emphasize that the area's scenic values are not being minimized under BLM management. On the contrary, the very values the bill seeks to protect are recognized by our preliminary recommendation of wilderness designation for seven areas. In an ongoing effort to make the public more aware of the scenic and other resource values of the scenic area, an overlook was established near the Cima Road offramp of Interstate 15 during October 1986. Many of the current uses, such as hunting, ranching and exploring, are part of the scenic area experience and would be lost if the region became a national park.

Organizationally, the BLM has approximately 20 employees in the Needles Resource Area to manage the East Mojave National Scenic Area, with a full-time manager for the scenic area alone. Effective enforcement and resource protection is also provided through the use of ranger personnel, as authorized by FLPMA. Additionally, there are approximately 15 operational employees from the BLM California Desert District office working regularly in the East Mojave National Scenic Area.

The BLM has done a good job in managing this area by providing the necessary protection and development mandated by Congress and the Desert Plan. National park status would result in considerable additional Federal costs with very little real benefit to the resource. Moreover, budget restrictions could have a strong negative impact on the creation of a new Mojave National Park and the expansion and designation of Death Valley and Joshua Tree National Monuments as national parks.

As we have noted, S. 7, in general, does not address the enormous potential loss of minerals that are critical to the security of the Nation. The CDCA and the East Mojave National Scenic Area, in particular, are highly mineralized, with potential deposits of sodium, potassium, known deposits of strategic minerals, and rare earths. Therefore, they should not be closed to exploratory activities or current mining without significant deliberation.

Section 410, by terminating grazing permits at the expiration of current terms should the Mojave National Park be designated, would phase out 37,216 animal-unit months of forage consumption on 10 allotments and eliminate 8 livestock operations. Since National Park Service policy generally does not allow livestock grazing within national parks or monuments, a similar impact could occur with the expansion of Death Valley. Grazing is currently being managed in accordance with ecological principles and the Desert Plan. The vegetative resources are not being damaged. Thus, the bill would effectively eliminate a use which is not causing harm. Livestock grazing permittees and lessees should be allowed to continue grazing livestock on these lands.

RIGHTS-OF-WAY

Section 411 of S. 7 would except existing rights-of-way, but new rights-of-way would not be allowed. This raises the implication that expansion of current rights-of-way could be severely restricted, thus affecting millions of people in California's Central Valley and along the coast in such cities as Los Angeles and San Diego. The bill, as drafted, also would not protect validly issued rights-of-way for roads, water pipelines, or other uses.

The energy needs for California are enormous. Currently, there are a number of electrical generating and transmission projects being actively considered that would result in the need for transportation through the California Desert Area.

Moreover, west-to-east oil pipelines through Southern California appear to be the most logical and economical way to move west coast (including Alaska) crude oil to refineries and markets in the southeast and on the east coast. This is especially necessary because the Congress continues to forbid the export of Alaskan crude. For example, one pipeline has been constructed and another is about to begin. Currently, we are considering, along with the Federal Energy Regulatory Commission, three other projects. All three propose routes through the California Desert.

Based on a gross picture of the areas to be designated by S. 7, enactment would limit transportation and utility areas in four or five corridors. North of Death Valley, the corridor would be restricted to the area of US Highway 6 and 395, an area already heavily occupied. This route would also be highly constrained in the narrow area between the Navy's China Lake facility and the proposed wilderness area immediately west of US 395.

Between Death Valley and the proposed East Mojave National Park, the corridor along I-15 would be very constricted near Baker, California, and at the California-Nevada border. Although the conditions in the bill for the East Mojave National Park provide for the continued existence of existing electrical, oil and gas, and communication lines, new or upgraded facilities would not be permitted. Designations south of the East Mojave National Park along I-40 are somewhat restrictive in the area near Fenner, California. This is currently a heavily used corridor. The corridor along I-10 between Blythe, California, and Indio, California, is highly restricted at the southeast end of Joshua Tree National Monument and would probably prohibit the addition of any significant new transportation facility.

At the very south, along I-5, the corridors do not appear to be highly restricted except at the San Diego-Imperial County line. A very tight constriction would occur here between the Anza-Borrego State Park and the proposed Jacumba Wilderness area. This could force future routings north along the Salton Sea and through San Gorgonio Pass (between Palm Springs and Beaumont), an already critical transportation area.

Transportation and utility needs do not seem to have been given much consideration in the formation of S. 7. This is a serious defect in the bill.

PLANNING AND CONSTRUCTION

Section 412 of S. 7 would require preparation and submission of a management plan within three years. As we have indicated, this is completely unnecessary because the California Desert Plan is already in effect, and a detailed management plan for the East Mojave National Scenic Area has been completed. Basic data have been collected, and requiring three more years and the expenditure of additional funds and staff is neither efficient nor cost-effective. More importantly, development of another plan with the public would generate, once again, significant polarization and controversy among user groups and accomplish little in positive resource protection and management.

Construction of a new visitor center, as authorized by section 413, would not seem appropriate during this period of budget austerity. It would seem much more advisable to improve modestly current information distribution methods to meet the needs of visitors during peak seasonal periods, rather than to expend significant funds for buildings.

In addition, the current BLM planning effort in this area has also considered Kelso Depot for public values. The Depot is currently owned by Union Pacific Railroad but is being considered for acquisition by the nonprofit Kelso Depot Fund, Inc. The BLM has been working closely with the user groups and, if acquisition occurs, would utilize the Depot as an information and visitor center for the East Mojave National Scenic Area.

LAND ACQUISITION

Acquisition of lands, as specified in section 414 of S. 7, could also be accomplished better by retaining the lands under BLM administration and management. Needed properties could be acquired by exchange. BLM currently has an aggressive exchange program in the East Mojave National Scenic Area. For example, in an exchange completed in 1981, BLM acquired over 8,000 acres, and in a current exchange with Santa Fe Pacific Realty Company, BLM would acquire an additional 15,100 acres. Similarly, we have an agreement with the State Lands Commission to exchange public land for State land within the area. The East Mojave National Scenic Area is currently BLM's highest priority in California for use of Land and Water Conservation Fund monies for acquiring private lands. Creation of a national park is not required to accomplish the goal of consolidating lands of high public values.

In addition to State and private lands located in the Scenic Area, substantial acreages of non-Federal lands are situated within the boundaries of other national parks and wilderness areas proposed in S. 7. Enactment of this bill could result in substantial land acquisition costs to purchase these non-Federal lands.

OTHER SPECIAL AREAS

Section 601, which would transfer 20,500 acres from BLM to the California State Park System for inclusion in Red Rock Canyon State Park, is unnecessary. Several years ago, the BLM reached an agreement with the State of California to transfer 4,500 acres in order to meet their needs. All work has been completed on this transfer, but it is presently on hold because of the injunction imposed as part of the

National Wildlife Federation lawsuit. Section 601 also does not specifically provide for the protection of valid existing rights on lands to be transferred to the State of California.

Section 602 would establish a 2,040-acre BLM Desert Lily Sanctuary. We do not object to this provision, but point out that the area already is receiving adequate protection. BLM closed the area to vehicle use in 1973, and subsequently withdrew it from mineral entry. The area, therefore, is not threatened in any way and we see no need for such a special management designation.

As to section 603 of S. 7, regarding the proposed Indian Canyons National Historic Site, we cannot support this designation. The area in question is located in and around Palm Springs, California. There are a number of problems with this section. First, the land itself is owned by individual Indian allottees; this provision speaks only of dealing with the Agua Caliente tribe. Property interests thus reside in individuals who would have to be compensated, and compensating only the tribe would be inadequate. Second, of the 440 acres held in trust by the United States for these allottees, 60 acres are being sold on a deferred payment sale. This is not considered in the bill. Third, much of the land is leased and is extremely valuable due to its proximity to expensive areas in Palm Springs. A very preliminary estimate of this land's value is in excess of $10 million. In addition to the value of the land, any appraisal would have to include the value of the leases, estimated to be over $28 million alone. The cost of acquiring this land for the historic site, therefore, would be prohibitive for the Federal Government and cannot be justified given the current usage. Furthermore, negotiating a price would put this Department in a very difficult position. On the one hand, we have an obligation, through the Bureau of Indian Affairs, to help the Indians maximize their return on the land; yet we would have to pursue acquisition of the land at the lowest price to the Government. This is complicated further because there appears to be no realistic source of comparable Federal land for exchange with the tribe or with the allottees. Other lands would have to be located outside the present reservation boundaries.

Section 605 of S. 7 directs the Secretary to exchange such public lands or interests of approximately equal value and selected by the State of California for any lands or interests located within the boundaries of the wilderness or parks. Within six months from the date of enactment of S. 7, the Secretary must notify the chairman of the State Lands Commission what State lands or interests are included within wilderness or park units. A process would be established for resolving any disagreements as to the relative value of acquired or selected lands through the appointment of a disinterested independent appraiser who would review valuation data. The decision of the appraiser would be binding, and transfer of title to the State of California would have to be completed within 2 years of enactment.

This provision does not provide any guidelines on "approximately equal value", but leaves the ultimate decision with a mutually agreed-upon independent appraiser. The independent appraiser's determination would be binding on the State and the Secretary. We object to this provision. It would appear that the Secretary could not terminate the exchange if the independent appraiser's determination of value is not in the national public interest. Furthermore, in the absence of a contract, it is doubtful that Congress could bind the State to complete the exchange if such value determination is not considered to be in the State's best interest.

Moreover, this would significantly reduce the remaining BLM lands not designated wilderness or parks which are available for multiple use. In addition, it would leave the Secretary very little discretion in making the directed exchanges.

Its time requirements are too short for adequate consideration for those issues where some discretion remains, such as identification of public lands that are available for exchange. The Secretary would have only six months in which to submit a list of all public lands within the State that are available for exchange with the State. It is not clear whether the lands identified would have to be identified also through FLPMA planning requirements. If so, the public input requirements for plan amendments could not possibly be met within the 6-month time requirement of the bill. In addition, third-party rights, such as mining claims, would have to be cleared in many instances, and FLPMA section 402(g) 2-year notices to grazing lessees and permittees would have to be issued before available public lands could be identified, to meet the 2-year exchange completion date.

In summary, S. 7 proposes boundary enlargements of NPS lands and adjustments to BLM lands that do not reflect a good understanding of sound on-the-ground land management. Management costs would increase significantly. S. 7 would affect negatively the servicing, monitoring, and protecting of public and park natural resources because of these costs, improper boundary placements, and the consequences of new acquisition and other requirements listed above.

If enacted, S. 7 would undercut 10 years of work by citizens and groups who joined together in the belief that, by congressional direction, they were being given the responsibility to develop a Desert Plan which would provide for balanced management of all resources within the Desert. They accomplished that goal by using a multiple use philosophy of development, use, and protection. S. 7 substitutes the interests of a few individuals or organizations for the many who benefit from the well-balanced Desert planning and public involvement process which includes them as well as many others.

Ultimately, we believe it is not in the best interests of the Desert users, the Desert resources, and the general public to reopen the polarized, emotion-packed conflict which existed prior to the Desert Plan. Introduction of this bill has already begun to resurface this polarization of groups as it existed in the pre-1980's. This is unfortunate, because the overwhelming majority of public land users and local governments have accepted the Desert Plan and the consensus-building process from which it emerged. They have worked with the Desert Plan closely over the past six years, have had opportunities to recommend changes through the annual review process, and have participated in meetings of the public Advisory Council.

Finally, we note that sections 101 through 103 of S. 7, recognizing wilderness as a distinguishing characteristic of the California Desert, state that wilderness values of the lands are increasingly threatened and especially vulnerable to impairment, alteration, and destruction by activities and intrusions associated with incompatible use and development. This is not a correct or accurate statement of what is presently occurring in the Desert under the congressionally mandated California Desert Plan or under Bureau of Land Management, National Park Service, and State management. We therefore strongly oppose enactment of S. 7.

Thank you for the opportunity to comment. We would be pleased to answer any questions you may have.

Senator **Fowler**. Thank you, Mr. Secretary.

The Senator from California, Mr. Cranston.

Senator **Cranston**. I would like to make just one comment. I welcome your testimony. It helps us understand the views of the Department of the Interior on this matter.

I wanted to just respond in part to what the Senator from Wyoming said a bit ago. I did not know until he informed me when I was at the witness table that Secretary Hodel was not going to testify today. I had thought he was a witness. And indeed, this morning's Post indicated he would be a witness at the hearing today.

The Senator from Wyoming took exception to my stating that Mr. Hodel's views constituted—or rather, that the legislation was necessary because of the breach of trust by Secretary Hodel.

I want you to know, Senator Wallop, that I chose those words with care. I did not have at my fingertips then what I have now. That is an exact paraphrase of something that Secretary Hodel earlier stated about my activities in connection with this bill when in a letter to Bennett Johnston, the Chairman of this committee, he said, "This bill represents a breach of faith for those who less than 10 years ago worked out a reasonable and balanced solution for desert conservation and use." So, I think we are sort of on an equal level and an equal playing field in regard to his remarks and my remarks.

Senator **Fowler**. The Chairman of the subcommittee, Mr. Bumpers?

Senator **Bumpers** [presiding]. Is there anybody here who left a briefcase out in the hallway? There are two briefcases out there. Would you please go retrieve those so we do not have to call the bomb squad?

Mr. Griles, do we have more testimony from BLM here, incidentally?

Mr. **Griles**. Well, Senator, obviously we have the expert, Ed Hastey, on my left and the manager on the right. We will be happy to answer any questions. Mr. Hastey can spend as much time as you want.

Senator **Bumpers**. I have several questions that I will submit for the record. But just for the purposes of this hearing, I have some questions about this desert plan, which I assume is in front of you, Mr. Burford.

Mr. **Burford**. The biggest part of it is in front of me, Senator Bumpers. None of the amendments and none of the reviews which have taken place since the original plan was presented, and none of the wilderness studies are included in these documents here. But this is the original plan which had been approved when I came into office. I reapproved it.

I would add to that statement that we have all been lobbied in this business by various factions. The only factions which lobbied me to overturn the plan were some of the mining interests and the grazing interests and the so-called commercial interests. I did not hear any objection to the plan from the so-called environmental interests.

Senator **Bumpers**. Is this the plan? It's called the California Desert Conservation Area Plan 1980.

Mr. **Hastey**. That's a summary of the plan, Senator.

Senator **Bumpers**. It's a summary?

Mr. **Hastey**. Yes, sir.

Senator **Bumpers**. In this plan you classify certain lands as class C and class L lands. Steve, either of you, please describe for the committee what is the definition of class C and class L lands?

Mr. **Hastey**. Yes, sir. When we began the planning process, we found we were dealing with a large regional area, and we needed some kind of a zoning approach. We came up with four classes. Class C, which are essentially the recommended wilderness areas, amounted to 1.9 million acres. The class L was what we called limited use, about 6 million acres of limited use. What that means is any kind of development that goes on in those class L areas have a very tight prescription in terms of how that is developed. For instance, for——

Senator **Bumpers**. How many acres in that category?

Mr. **Hastey**. Six million acres.

For instance, for off-road vehicle use, you can only use designated roads and trails. In other words, it is not open for play use. It is not open for existing roads. The road must be designated. So, it is a very tight restriction.

The M classification allows moderate use and covers about 3.3 million acres. That classification allowed you to do a little more in the way of development. As far as off-road vehicles are concerned, it would only allow them on existing roads and trail use.

And the last category, the intensive use, for areas like open areas, covers about a half million acres. It also included areas such as the Searles Dry Lake, which is an area that is committed fully to mining. So, you might say this is an area that is committed to almost a single use.

In the play areas like in the sand dunes, we had a certain number of open areas that would allow full play use. So, the percentage——

Senator **Bumpers**. Of all those classifications, is class C the highest?

Mr. **Hastey**. Class C is the most restrictive. That is the wilderness.

Senator **Bumpers**. Most restrictive? Well, then let me ask you this question.

Are some of class C lands open for ORV use?

Mr. **Hastey**. Once the designation as wilderness is made by Congress, they would not be opened. But during the interim, under our interim management policy that has been in effect for some 10 years, where you have a way that goes through a class C area—in other words, the person is using it as a four-wheel drive trail—he can use that existing trail because that was a use that was going on prior to 1976. But once that is designated by Congress as a wilderness area, then that use would no longer be permitted.

Senator **Bumpers**. Well, I think one of the reasons some of us are concerned and one of the reasons for this bill is that BLM was supposed to be administering this plan for the most part, was it not?

Mr. **Hastey**. Yes, sir. We have been.

Senator **Bumpers**. And if class C is the most restricted area of lands in there, and that constitutes 1.9 million acres of class C lands——

Mr. **Hastey**. Yes, sir.

Senator **Bumpers**. I am troubled by the fact that you allow off-road vehicles to use that land if that is the most fragile. How do you justify that?

Mr. **Hastey**. I justify it on the basis that there are trails that have been in existence there for in some cases 20, 30, 40 years. We are allowing continued use on those trails, which is pretty minimal, through those areas until Congress acts as to whether or not those areas should be wilderness or not.

Senator **Bumpers**. Do you ever allow ORV races to be conducted on that land?

Mr. **Hastey**. The Barstow to Vegas race did cut through part of a class C area, yes, sir.

Senator **Bumpers**. How many acres out of the 1.9 million in the class C category are open to ORVs?

Mr. **Hastey**. I would say an extremely small percentage. I could not give you an exact number. But the number of designated roads or trails in those class C areas is very limited because most of these areas are, in fact, pristine, untouched areas. We do have some ways or trails that have been used, but given very little use.

Senator **Bumpers**. Would you oppose shutting those down which this bill would do?

Mr. **Hastey**. I would prefer to wait until Congress acts on our recommendations for wilderness. And if Congress designates 1.9 million acres as wilderness, which we recommend, then those areas would, in fact, be closed to any kind of vehicular use.

Senator **Bumpers**. Well, let me ask you a second line of questioning.

Do you allow mineral exploration in class C lands?

Mr. **Hastey**. Yes, sir, we do.

Senator **Bumpers**. How can you suggest that there is a compatible use of the lands, the most fragile of all this land, 1,900,000 acres, with mineral exploration?

Mr. **Hastey**. Congress in 1976, under section 603 of FLPMA, told us to manage these wilderness study areas, these class C areas that we have recommended for wilderness, so as not to impair the wilderness qualities. We have followed those guidelines to the letter. So, we are not allowing anything in the way of exploration or mining or off-road vehicles which would impair those class C areas or, in fact, the other 3 million acres, or almost 3.7 million acres, that are down in wilderness study areas.

We are managing roughly 5.5 million acres, which are wilderness study areas, under non-impairment criteria. And we are not allowing any activities in there that would impair those values until Congress acts on our proposed wilderness areas.

Senator **Bumpers**. I do not see how you can have land under that classification as describe it as a pristine area and say that you are only allowing mineral exploration that is compatible with that. I do not see how mineral exploration can be compatible with that.

Mr. **Hastey**. We are following the exact directions of Congress which told us that we could allow these activities in these areas under a non-impairing criteria. And we are allowed to have mining claims. We are allowed to have exploration during that time. But we cannot allow anything that would impair the area.

If you have a mining claim prior to 1976 that was actually active, we could allow additional development in the same manner and degree under the grandfather clause, that is by way of section 603 of the 1976 act.

Senator BUMPERS. Does the mining or the mineral exploration on there include surface excavations?

Mr. HASTEY. It has where they have either a grandfathered mine in there or where we feel that there can be some excavation that can be rehabilitated in time. The guidelines are that the land has to be rehabilitated or reclaimed when our recommendation goes to Congress.

We have notified the miners this year that, because our proposed legislation will be before Congress by 1989, they will have to begin to reclaim any of those holes that are in these wilderness study areas, not just the 1.9 million acres, but the 5.5 million acres.

Senator BUMPERS. Well, do you allow mining operations in there under claims that have been established and were given after FLPMA was passed here?

Mr. HASTEY. That is correct, under a non-impairment criteria.

Senator BUMPERS. What kind of surface disturbances do you permit on post FLPMA mining plans?

Mr. HASTEY. We have allowed them to excavate materials, some hole drilling, some excavation with the understanding that that will be reclaimed and either recontoured, or the hole filled back in so that the area will not be impaired when Congress acts on the legislation.

There is nothing in the law that withdrew those areas from mining. We have on our own initiative withdrawn certain areas from mining, areas that we felt should not have mining in them for other values. But under the wilderness study process, where the class C lands are, the Congress was very clear on how they wanted us to manage those areas.

Senator BUMPERS. I do understand, Mr. Hastey, that one of the objections BLM has to congressional consideration of wilderness designation on the California desert is that you have an ongoing study. Is that correct?

Mr. HASTEY. That is correct. We do not have any objection to Congress acting on it. What we are doing now is completing what Congress told us to do.

Congress told us to go out and study these areas, first to inventory the 5.6 million acres of wilderness study areas, and to study these areas. Before we submit our recommendation to Congress, we must have a mineral survey study done by the Bureau of Mines and the Geological Survey on each of the recommended suitable areas.

We are just in the final phases of completing those Geological Survey/Bureau of Mine studies. They will be completed by next year. We hope to have our legislative proposal before this committee in 1989 with the mineral surveys of this 1.9 million acres.

Senator BUMPERS. You will have your wilderness study completed by next year?

Mr. HASTEY. By next year.

Senator BUMPERS. When next year?

Mr. **Hastey**. It will be in the latter part of 1988, and we will have our proposal to Congress in 1989.

Senator **Bumpers**. Gentlemen, we have got a roll call on. I suggest that we go vote. We will come back. If the panel will please stay seated. I will submit the rest of my questions to this panel in writing, but perhaps there are other questions from other Senators.

So, if you will excuse us for about 10 minutes. We will recess for 10 minutes and be back.

[Recess.]

Senator **Bumpers**. The subcommittee will come to order.

I want to say, first of all, I will submit the remainder of my questions to this panel in writing. And Mr. Hastey has indicated that he would like to make some additional clarifying remarks about the use of this area which is a wilderness study area. Ed?

Mr. **Hastey**. Yes. It is kind of a technical correction. We have never allowed—

Senator **Bumpers**. Just a moment, Ed..

Let's have order in the committee so we can hear.

Mr. **Hastey**. We did not allow a competitive event through a class C area. It went through a wilderness study area, but not a class C area. That was what I wanted to correct.

And just one other quick statement: The plan did survive court challenges both in the District Court and the Court of Appeals. So, it has not only withstood the environmental impact statement test, but also the legal test.

Senator **Bumpers**. Thank you very much.

Steve, do you or Bob, either one, have any additional remarks you want to make on this?

Mr. **Griles**. I do not believe so, Mr. Chairman.

Senator **Bumpers**. Well, we are going to have to work very closely. Marking up this bill is going to be quite a chore. And I would like to believe that we could get all the competing interests here resolved. I do not think that is very likely, but at some point we will begin the markup sessions. And your testimony will be helpful. We will back in touch with you. And thank you very much for being here.

Mr. **Griles**. Thank you, Mr. Chairman.

Mr. **Hastey**. Thank you.

Senator **Bumpers**. Our next witnesses consist of a panel. This is our first panel. State Senator H. L. Richardson from Sacramento; Keith Bright—is that Inyo County? Inyo County Supervisor.

Mr. **Bright**. Inyo County.

Senator **Bumpers**. Inyo County? Inyo County, okay.

And Chairman of the Public Land Users Alliance, Independence, California; William Martindale, Mayor of Blythe, California. I was there once. And John Joyner, Chairman of the Board of Supervisors, San Bernardino, California.

Gentlemen, welcome. And I will take you as you are listed here. Please abide by our five minute rule if at all possible because we have a final vote on a bill on the floor very shortly.

Senator Richardson.

STATEMENT OF LARRY PRATT, ON BEHALF OF STATE SENATOR H. L. RICHARDSON, SACRAMENTO, CA

Mr. PRATT. Thank you, Mr. Chairman. I am Larry Pratt representing State Senator Richardson of California's 25th district. The Senator was taken ill and asked me to come and present his remarks for him. This is the testimony that he wanted to give.

You and I have both been around long enough to know that testimony before this committee has little to do with the actual passage of this bill. What this hearing will do is show you that there is an enormous number of people who oppose this land grab. Evidence of that has been made abundantly clear to me over the past two months from both my constituents and user groups.

To bring these people together, I have formed the Pro-Desert Coalition. We represent over 70 diverse organizations with over 4 million and a half members. We range in scope from people who live in the desert, to industry, to recreationists, to manufacturers. We have but one goal, to defeat this massive land grab.

Senators, I do not purport to be an expert on the California desert. But I do know how my constituents feel about this bill, and they do not want it. It is my constituents who will be hurt most. It is they who will face the loss of jobs and tourist dollars. It is their counties that will be forced to cut services because of declining taxes. It is their homes that will be swallowed up by a hungry bureaucracy.

With the passage of this bill, over 15,000 miles of roads will be closed. That will effectively lock out the elderly, handicapped and very young. It will also close the desert to many forms of recreation such as rockhounding, off-road vehicles, camping, picnicking, scenic touring and hunting.

S. 7 calls for the acquisition of all private lands within the designated boundaries. People who have lived in the desert for decades will be kicked out, their homes lost.

Cattle ranching will be eliminated at a cost of over $15 million to the ranchers. Millions of acres will be unavailable for pasturing cattle. Water sources built by these ranchers will no longer be maintained for either cattle or desert wildlife.

This bill prohibits new mining claims and requires existing claims to be validated before any significant work is allowed.

The California desert produced over $1.2 billion of minerals in 1986.

Senator BUMPERS. Could you pull that microphone a little closer. I am difficulty hearing you.

Mr. PRATT. Excuse me.

Senator BUMPERS. Would you also restate that last sentence? The desert produced what last year?

Mr. PRATT. Produced over $1.2 billion of minerals in 1986, and the figure is projected even higher for 1987. Exploration for oil and gas, geothermal and other minerals will be denied.

Our military would be adversely affected, specifically in the Chocolate Mountain area where low level tactical operations would be banned. There would be no further expansion of the five military bases in the area.

Senators, we do not need this bill. In 1976 Congress commissioned the Bureau of Land Management to come up with a plan to manage the desert. After four years, 40,000 pieces of testimony, and $8 million and with the full approval of both the Democratic and a Republican administration, the California Desert Plan was enacted. This multiple use plan was acceptable by everyone involved including the environmental groups. And yet, just seven years later the environmentalists are asking for more wilderness.

But what they are asking for this time is too much. If this bill passes, over half of the California desert will be accessible by muscle power only. Gone will be the cattle ranchers, gone will be the miners, gone will be the small business owner, gone will be the recreationists so vital to the economy. In their place will be a desert open only to those physically able to walk in with their supplies and an essential gallon of water per person per day. What was once vital, productive land will be virtually closed off to human life. Yes, the desert will be preserved, but for whom and at what cost?

As a State Senator from California and as the Chairman of the Pro-Desert Coalition, I am officially registering my opposition to S. 7.

Thank you very much.

Senator BUMPERS. Thank you very much.

Our next witness is Mr. Bright, Inyo County Supervisor. Mr. Bright.

STATEMENT OF KEITH BRIGHT, INYO COUNTY SUPERVISOR, INDEPENDENCE, CA

Mr. BRIGHT. Yes, sir, Honorable Chairman and members of the committee.

I was told that we had only three minutes, so I prepared my——

Senator BUMPERS. You lucky dog. You have five. [Laughter.]

Mr. BRIGHT. I know it. Now I learned that, and I have not taken the liberty of writing a lot more. I thought I would try to hold it to three minutes so that I can get back to my work.

Senator BUMPERS. I will be eternally grateful to you, Mr. Bright.

Mr. BRIGHT. Thank you, sir.

Well, I am Keith Bright. I'm a supervisor of Inyo County, California. I am here in opposition to S. 7. I am also Chairman of the Regional Council of Rural Counties of California Committee opposing S. 7, and Chairman of the Public Land Users Alliance, which is made up of 15 organizations opposing S. 7. Also, I am a member of the Sierra Club, and I am personally in opposition to S. 7.

Inyo County has a population of 19,000 in an area of 10,140 square miles in which it is possible to place the three states of Connecticut, Rhode Island and Delaware with some room left over. And 98.2 percent of Inyo County is public land with only 1.8 percent private. That is not much of a tax base to support a county.

Senator BUMPERS. Let me interrupt you just a moment, Mr. Bright.

Just give me a general location. Where is Inyo County on that map over there? Okay, go ahead.

Mr. **Bright**. And 91 percent of Inyo County is controlled by the Federal Government, and 6.8 percent is owned by the City of Los Angeles and State of California. And 2.3 percent is private, county and Indian reservations.

S. 7 would create approximately 5,000 square miles of national parks and wilderness in Inyo County. This could create an extreme financial hardship for the county. To survive we must at least maintain our present tax base. Wilderness and parks would diminish and eventually exclude that possibility.

As an example, mining operations would be virtually eliminated. Tourism is Inyo County's main source of revenue. Desert wilderness does not attract tourists except for a few select places like Death Valley. Lack of water and the heat nine months of the year make the desert less than desirable for tourist activity.

There is a great difference between the Sierra Nevada Mountain wilderness with abundant water and cool temperatures and desert wilderness where there is little water, even the Sierra Nevada wilderness areas have shown a 12 percent decline in the use over the past several years according to National Park Service statistics.

One of Inyo County's primary objections to S. 7 is that Senator Cranston never made an attempt to meet with the Board of Supervisors and local leaders to discuss his proposal. To my knowledge, no other users of the desert were given consideration, only the Sierra Club, Wilderness Society and other environmental organizations—hardly fair to all the rest of the users.

The people of the United States in the long run would be the losers when you consider that all of our borax and 98 percent of the rare earths, which are becoming so important in the development of superconductors, come from that desert.

The BLM, on the other hand, as Congress directed, did take into consideration the concerns and needs of all the users and people of the United States. Their desert advisory council had as one of its members a supervisor from Inyo County, an internationally known botanist from Inyo County, mining representatives, ranch interests and others, including environmentalists. The BLM has made an outstanding effort to address the needs of the present and yet keep enough desert as wilderness so that the future generations will know what the desert was like.

It would seem to be to everyone's advantage, including Congress, to wait for the BLM plan before decisions are made to place vast areas into protected wilderness.

The western states, where most of the public land is located, should take note. If environmentalists are successful in putting vast areas of the California desert into wilderness and parks, they will be trying to do the same thing in the other western states.

Thank you.

[The prepared statement of Mr. Bright follows:]

KEITH BRIGHT TESTIMONY

PUBLIC LANDS, NATIONAL PARKS AND FORESTS SENATE SUBCOMMITTEE

OPPOSITION TO S.7

I am Keith Bright, Supervisor of Inyo County, California. I am here in opposition to S.7. I am also Chairman of the Regional Council of Rural Counties of California Committee opposing S.7. and Chairman of the Public Land Users Alliance which is made up of 25 organizations opposing S.7. Also, I am a member of the Sierra Club and am personally in opposition to S.7. Inyo County has an area of 10,140 sq. miles in which it is possible to place the three States of Connecticut, Rhode Island, and Delaware, with room left over. 98.2% of Inyo County is public land with only 1.8% private. That is not much of a tax base to support a county. Approximately 240,000 acres of Inyo County is already designated wilderness.

LAND OWNERSHIP WITHIN INYO COUNTY

BUREAU OF LAND MANAGEMENT	44.0%
PARK SERVICE	27.6%
FOREST SERVICE	12.0%
MILITARY	7.3%
CALIFORNIA & CITY OF L.A.	6.8%
OTHER (Private, County, Indian Reservation, etc.).	2.3%

S.7 would create approximately 5,000 sq. miles of national parks and wilderness in Inyo County. This could create an extreme financial hardship for Inyo County. To survive we must at least maintain our present tax base. Wilderness and parks would diminish and eventually exclude that possibility. As an example, mining operations would be virtually eliminated. Tourism is Inyo County's main source of revenue. Desert wilderness does not attract tourists except for a few select places like Death Valley. Lack of water and the heat nine months of the year make the desert less than desirable for tourist activity. There is a great difference between the Sierra Nevada Mountain wilderness, with abundant water and cool temperatures, and desert wilderness where there is little water. Even the Sierra Nevada wilderness areas have shown a 12% decline in use over the past several years, according to National Park Service statistics.

One of Inyo County's primary objections to S.7 is that Senator Cranston never made an attempt to meet with the Board of Supervisors and other local leaders to discuss his proposal. No other users of the desert were given consideration - only the Sierra Club, Wilderness Society and other environmental organizations - hardly fair to all the rest of the users. In fact, a local Sierra Club representative indicated the Sierra Club was displeased with the efforts of the Desert Advisory Council and took the issue into their own hands.

The people of the United States of America in the long run would be the losers when you consider that all of our borax and 98% of the rare earths which are becoming so important in the development of super conductors come from the desert. The B.L.M. on the other hand (as Congress directed) did take into consideration the concerns and needs of all the users and people of the United States of America. Their desert advisory council had as one of its members a Supervisor from Inyo County and an internationally known botanist from Inyo County, mining representatives, ranch interests and others including environmentalists. The B.L.M. has made an outstanding effort to address the needs of the present and yet keep enough desert as wilderness so that future generations will know the desert as it was. It would seem to be to everyone's advantage, including Congress, to wait for the B.L.M.'s plan before decisions are made to place vast areas into protected wilderness.

The western states where most of the public land is located should take note - If environmentalists are successful in putting vast areas of the California desert into wilderness and parks they will be trying to do the same thing in the other western states.

THE CALIFORNIA DESERT PROTECTION ACT OF 1987: A STEP TOO FAR

Senate Bill 7, California Desert Protection Act, would significantly change the way Californians are accustomed to using multiple purpose desert lands. Vast areas of the Southern California desert would be placed into national parks and wilderness areas, made virtually inaccessible to 15 million Southern Californians. The proponents of S.7 indicate this is incorrect. However, the text of the Bill and National Park policy indicates otherwise.

Direct access to proposed national park and wilderness areas is to be maintained with existing paved and dirt roads. In fact, the map showing proposed wilderness/park areas excludes the roads from wilderness designation. Thus, literal access to an area is maintained. Use of the area is not maintained. The text of S.7 maintains grazing permits, until the permit(s) expire. The creation of three national parks revokes all mining permits and future exploration. Proponents of S.7 indicate existing mines are maintained. That is true only to the extent the Bill excludes existing mines from identified wilderness areas or proposed parks. All future exploration and/or mining would be excluded - forever.

According to BLM statistics, the California Desert produced $1.2 billion worth of non-fuel minerals in 1985. The Desert Protection Act of 1987 would allow only existing mining operation and prevent the exploration of important strategic minerals and other rare earths necessary for the exploding developments in super conductors.

Senate Bill 7 would create over 8.5 million acres of instant wilderness and almost 6 million acres of new National Parks, all without public hearings in the affected areas and certainly without the input of local government and the multiple uses of the desert. This is exactly the reverse of the Congressional mandate of the California Desert Conservation Area (CDCA).

In 1976 Congress directed Bureau of Land Management to develop a plan for the desert's use. Inyo County sued BLM when a local government official was not placed on this committee. The issue was resolved when BLM appointed the late V. E. "Johnny" Johnson to the Desert Advisory Council which was charged with developing the Congressional mandate of a comprehensive management plan. Later, upon Mr. Johnson's death, Inyo County once again requested representation, but received no recognition of its request. However, Mr. Johnson's vacancy was filled by another Supervisor from another county. The point is that at least BLM is responsive to soliciting input, developing and following a specific pattern to gather information for the benefit of Congress to consider all alternatives and multiple uses. That is not the method employed by environmental organizations.

An Inyo County environmentalist was interviewed on local radio about the California Desert Protection Act. He stated that the BLM's plan allowed "...too many..." uses and that matters had to be taken out of the hands of BLM. To think that there is only one way in which to utilize land and to directly circumvent the direction of Congress is a single-mindedness that is truly biased.

The Inyo National Forest controls over 27% of the land within Inyo County, over 2,800 square miles. According to U.S. Forest Service statistics, the Inyo National Forest had 10 million visitor days in 1986, 8.5 million visitor days from those in Southern California. With four of the top ten counties with the highest growth projections in the south of Inyo County, it is evident that the Inyo National Forest and the desert will experience tremendous use by the year 2000. If 8.5 million acres of wilderness is instantly created, that land is effectively lost to those that will need it the most - those in the unending city of Southern California.

The immediate argument in opposition is that the area is not lost, but preserved for those people. Let's take a closer look at the visitor from Southern California.

The typical visitor is not a backpacker that has the lifestyle and interests of the environmentalist. The typical visitor is, in fact, a family with limited vacation time and finances. There is little, if any, interest in turning the children loose in an uninhabited wilderness. For the most part, the use of wilderness areas require a certain amount of leisure, physique and "commitment" to a special lifestyle. The overwhelming majority of the Southern California population has little of this interest or commitment.

The issue is not whether there should be any recreational wilderness, but whether there should be some sense of balance between the wilderness recreation forces and the other interests desiring access to the affected areas.

There is another overwhelming issue S.7 fails to address. How are the proposed park and wilderness areas to be managed. Is the Congress going to appropriate literally billions of dollars for increased staff and park facilities?

Inyo County currently has an agreement between BLM and the County Sheriff to patrol BLM land. The paltry sum of $5,000.00 has been given the Sheriff for the purchase of two off-road motorcycles to reach remote areas. With an already diminished revenue base, the County's efforts to project and preserve BLM land is limited. It seems unlikely BLM will provide more funds to patrol land, and seems even more unlikely three new parks and over 80 wilderness areas could ever be protected as wilderness needs protection.

Inyo County has a long history of environmental involvement in numerous issues. The protection of the Owens Valley from excessive groundwater pumping by the City of Los Angeles was originally an emotionally charged issue that polarized the populace and politicians of the City of Los Angeles and County of Inyo. That polarization has been reduced significantly through long term negotiation and incredibly detailed, biological, hydrological and geological study. A long term water management plan will be negotiated that will continue to supply water to Los Angeles and protect the Owens Valley environment. Not everyone will be totally satisfied. But, both issues, water supply and environmental protection, will have been dealt with in an equitable manner. This is not the case with S.7. It is unfair, biased legislation that deserves to be taken to the local level where all issues can be addressed.

RESOLUTION NO. 87-22

RESOLUTION OF INYO COUNTY BOARD OF SUPERVISORS IN OPPOSITION TO "CALIFORNIA DESERT PROTECTION ACT OF 1987"

WHEREAS, Senator Alan Cranston of California has introduced a bill entitled "California Desert Protection Act of 1987" (the Bill), S.7; and

WHEREAS, the Bill proposes three new parks that would total approximately 5.7 million acres with 3.2 million acres taken from the existing Congressionally designated California Desert Conservation Area managed by the Bureau of Land Management (BLM); and

WHEREAS, the Bill proposes another 4.3 million acres of public lands be automatically established as wilderness and be managed by BLM; and

WHEREAS, the total area proposed for wilderness or inclusion into new national parks is 10.0 million acres; and

WHEREAS, the proposed bill creates 84 separate wilderness areas; and

WHEREAS, the Bill proposes that of the 12.1 million acres currently managed for the public by BLM, only 4.6 million acres remain available for multiple use such as hunting, mining, grazing and motorized recreation, and 7.5 million placed in wilderness or national parks; and

WHEREAS, the Bill proposes that the current Death Valley National Monument, almost entirely within the boundaries of Inyo County, already over 2 million acres, would be designated a National Park and expanded to 3.4 million acres of which 1.3 million acres would come from BLM public lands. The wilderness portion of the Death Valley Park will consist of 3.2 million acres; and

WHEREAS, the Bill proposed one entirely new national park, Mojave National Park of 1.5 million acres which would come from BLM public lands; redesignate Joshua Tree National Monument expanding it to 805,000 acres; and designate 3.9 million acres of national park wilderness in these three parks of which 1.6 million acres would come from BLM public lands; and

WHEREAS, the Bill, in proposing to establish three national parks within the already designated California Desert Conservation Area, will withdraw many of these lands from many other important uses under the public land laws and the mining laws, such as for mining leases and from Geothermal Steam Act leasing; and

WHEREAS, the Bill will require that every unpatented mining claim located within the boundaries of the proposed parks must have a validity test completed the estimated cost of purchasing any existing patented mining claims must also be provided Congress prior to approval of any plan of operation; and

WHEREAS, the Bill discusses protection of grazing rights which may be located within the proposed national parks; but says that, "upon expiration of the current term of such (grazing) permits, the permits shall not be renewed,"; and

WHEREAS, the Bill provides as national parks, the three proposed sites in the California Desert - - Mojave National Park, Joshua Tree National Park and Death Valley National Park - - which may follow the tradition of other national parks by charging entry fees. Also, new public funds will have to be appropriated in the Federal budget to construct extensive public facilities, such as a visitors' center in the Mojave National Park and to provide for additional staffs. The proposed Bill says, "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title,"; and

WHEREAS, the passage of the Federal Land Policy and Management Act of 1976 included a congressional mandate to BLM to begin planning for protecting and managing the resources of the California Desert Conservation Area under a multiple use concept, i.e., using the lands for mining, wilderness, recreation, grazing, as well as for the scenic beauty and cultural resources of the area; and

WHEREAS, in 1980, the California Desert Plan was completed on time through a great amount of public participation, including that of the affected counties, in developing a draft plan and draft EIS, and a final EIS and final plan. Environmental, cultural, mining, recreation and ranching organizations, among others, all participated; and

WHEREAS, over 18,000 copies of the draft Desert Plan were distributed for public review and comment in 1979. Twelve hearings and workshops were attended by over 900 people. Nearly 9,000 written responses, containing over 40,000 individual comments were received. The public Desert Advisory Council, the BLM and the public developed the final plan over a five year period; and

Resolution No. 87-22

WHEREAS, the Desert Plan stressed the multiple use concept and called for setting aside certain special areas for particular protection such as 700,000 acres for areas of critical environmental concern (ACEC) and 5.5 million acres of wilderness study areas of which approximately 2 million have been preliminarily recommended as suitable. The wilderness designation process is continuing as part of the planning process whereby Congress, with ample opportunity for public input, will decide on the proper mix of wilderness; and

WHEREAS, the Desert Plan was approved by then Secretary of Interior, Cecil Andrus, and reaffirmed later by the Secretary of Interior under the current administration, putting the Desert Plan in the unique position of having been endorsed by two Secretaries of Interior under two administrations, one Democratic and one Republican. The BLM conducts an annual amendment process which includes an annual EIS; and

WHEREAS, the Desert Plan contained the proposed establishment of the 1.5 million acre East Mojave National Scenic Area with the management philosophy that, " . . . the East Mojave National Scenic Area was so designated because of its unique blend of human use (past and present) and genuinely unique features . . . . Designation . . . was adopted . . . to ensure continuation of the uses and occupation which gives the region its character, and yet gives special emphasis to retain the area's natural scenic qualities . . . ." In other words, the uses of the area are important, but BLM will manage them to assure the scenic values of the area will remain; and

WHEREAS, neither Senator Cranston, nor his staff, consulted with any representative of Inyo County or any of its staff before introducing the Bill; and

WHEREAS, the Inyo County Board of Supervisors is informed that no local governments, nor their staffs in California, were consulted by Senator Cranston or his staff before introducing the Bill; and

WHEREAS, Inyo County's economy is based mainly on tourism, mining, and cattle ranching; and

WHEREAS, the Bill would drastically limit multiple use of the desert by tourists, miners and for grazing in Inyo County; and

WHEREAS, the Board of Supervisors of Inyo County is informed that Senator Cranston and his staff consulted with environmental groups approximately two (2) years prior to the Bill's introduction; and

Resolution No. 87-22

WHEREAS, the Inyo County Board of Supervisors is informed that desert user organizations, such as the California Mining Association, American Motorcycle Association and others, were not consulted prior to the introduction of the Bill; and

WHEREAS, the Bill would drastically affect the land use of almost all of the California desert counties; and

WHEREAS, the Federal government, through the BLM, has already spent a great deal of money, time and energy in developing the California Desert Plan with the participation of all desert users, including the environmental groups, local governments and others.

NOW, THEREFORE, BE IT RESOLVED that the Inyo County Board of Supervisors opposes S.7 (California Desert Protection Act of 1987) in its present form, and

BE IT FURTHER RESOLVED that the Inyo County Board of Supervisors supports the efforts of the BLM in the development of California Desert Plan in the California Desert Conservation Area and the multiple use concepts therein, and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to both U.S. Senators from California, the Congressional Delegation from California, appropriate State representatives, County Supervisors Association of California, Regional Council of Rural Counties, and other organizations as designated by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Inyo, State of California, this 24th day of March, 1987, by the following vote:

AYES: Supervisors Irwin, Bremmer, Bright, Calkins & Campbell

NOES: None

ABSENT: None

Robert H Campbell
ROBERT H. CAMPBELL, CHAIRMAN
INYO COUNTY BOARD OF SUPERVISORS

ATTEST: C. Brent Wallace
Clerk of the Board

By: Kelli Lanshaw
Kelli Lanshaw, Deputy

PUBLIC LANDS STEERING COMMITTEE

RESOLUTION ON CALIFORNIA DESERT CONSERVATION AREA

WHEREAS, the California Desert Conservation Area (CDCA) is a vast land area of 25 million acres consisting of three major desert ecosystems; the Mojave Desert, the Sonoran Desert, and the Great Basin Desert. The Bureau of Land Management (BLM) has jurisdiction over approximately one-half of the land in the CDCA, or about 12.5 million acres; and

WHEREAS, under BLM management, the California Desert today probably constitutes one of the finest examples of multiple use management for Federal lands available in the Western states; and

WHEREAS, with the passage of the Federal Land Policy and Management Act in 1976 in Congress, and its mandate that a California Desert Plan be created by 1980, the BLM, with 50,000 responses from the public representing every possible segment of society, met the proposed deadline; and

WHEREAS, the Secretary of the Interior expressed the belief that the Desert Plan was "one of the most far-reaching regional plans ever undertaken in the United States. It is a multiple use plan that reflects an unprecedented amount of public input and involvement;" and

WHEREAS, the Los Angeles Times, in an editorial endorsing the plan, said "The plan appears to protect the interest of preservationists, while recognizing needs of miners, ranchers, and utility companies. It is a balanced plan no one group will be entirely happy with and that's a good sign; and

WHEREAS, Senator Alan Cranston of California has introduced a bill entitled "California Protection Act of 1987," and similar bills have been introduced in the House; and

WHEREAS, the bill proposes three new parks that would total 5.71 million acres with 3.05 million acres taken from the existing Congressionally designated California Desert Conservation Area managed by the Bureau of Land Management, and another 4.5 million acres of public lands be automatically established as a wilderness and managed by BLM, and the total area proposed for wilderness or inclusion into existing or new national parks is more than 9.4 million acres; and

WHEREAS, the bill proposes that of the 12.1 million acres currently managed for the public by BLM, only 4.6 million acres remain available for multiple use such as hunting, mining, grazing and motorized recreation, and 7.5 million placed in wilderness or parks. However, the bill then directs that the 4.6 million remaining public use acres to be used as trading stock for blocking up for more parks and wilderness areas; and

WHEREAS, the bill proposes that the current Death Valley National Monument, almost entirely within the boundaries of Inyo County, already over 2 million acres, would be designated a National Park and expanded to 3.4 million acres of which 1.3 million acres would come from BLM public lands. The wilderness portion of the Death Valley Park will consist of 3.2 million acres; and

WHEREAS, the bill proposes one entirely new national park, Mojave National Park, of 1.5 million acres, which would come from BLM public lands; redesignate Joshua Tree National Monument, expanding it to 805,000 acres; and designate 3.9 million acres of national park wilderness in three parks of which 1.6 million acres would come from BLM public lands; and

WHEREAS, the bill in proposing to establish three national parks within the already designated California Desert Conservation Area, will withdraw many of these lands from many other important uses under the public land laws and the mining laws, such as for mining leases and from Geothermal Steam Act leasing; and

WHEREAS, the bill discusses protection of grazing rights which may be located within the proposed national parks; but says that "upon expiration of the current term of such (grazing) permits, the permits shall not be renewed; and

WHEREAS, the Desert Plan stressed the multiple use concept and called for setting aside certain special areas for particular protection such as 700,000 acres for Areas of Critical Environmental Concern (ACED) and 5.5 million acres of wilderness study areas of which approximately 2 million have been preliminarily recommended as suitable. The wilderness designation process is continuing as part of the planning process whereby Congress, with ample opportunity for public input, will decide on the proper mix of wilderness; and

WHEREAS, the bill would drastically limit multiple use of the desert by tourists, miners and for grazing in the rural counties, and would drastically affect the land use of almost all of the California desert counties; and

WHEREAS, the Federal government, through BLM, has already spent a great deal of money, time and energy in developing the California Desert Plan with the participation of all desert users, including the environmental groups, local governments and others; and

NOW, THEREFORE BE IT RESOLVED, that the National Association of Counties affirms its opposition to the proposed California Desert Protection Act of 1987, in its present form, introduced by Senator Alan Cranston, as well as similar legislation pending in the House; and

BE IT FURTHER RESOLVED, that the National Association of Counties further reaffirms its support for the efforts of the Bureau of Land Management in the development of the California Desert Plan in the California Desert Conservation Area and the multiple use concepts therein; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to both U.S. Senators from California, the Congressional delegation from California, appropriate Federal and State representatives, and other desert user organizations deemed appropriate by the NACo staff.

Approved by the Public Lands Steering Committee
March 15, 1987
Adopted by the Board of Directors
March 17, 1987

Senator BUMPERS. Thank you, Mr. Bright.

Incidentally, if it will dampen your criticism any, I will hold a hearing out there. Would that help any?

Mr. BRIGHT. What was that?

Senator BUMPERS. I said if it would dampen your opposition to this bill, I will hold a hearing in Inyo County and let everybody vent their spleen out there about this.

Mr. BRIGHT. Well, I would not advise holding it in Death Valley at this time.

Senator BUMPERS. I have been to Blythe. I am not going there this summer.

Mr. BRIGHT. You are not going there. Well, we would welcome a hearing. We have hearings there before to try to protect our interests, and we would welcome a hearing.

Senator BUMPERS. Thank you very much, Mr. Bright.

Mayor Martindale.

STATEMENT OF WILLIAM MARTINDALE, MAYOR, BLYTHE, CA

Mr. MARTINDALE. Thank you, Mr. Chairman, distinguished committee members.

Senator BUMPERS. No offense intended to your fair city.

Mr. MARTINDALE. I will say that the temperature there is probably better than here right now.

[Laughter and applause.]

Senator BUMPERS. I find that most people that come here think everything is better there than it is here.

[Laughter.]

Mr. MARTINDALE. Well, we do have warm temperatures but not quite as much humidity.

My name is William Martindale, and I am the Mayor of the City of Blythe, a city of a population of under 8,000 people. Our economy is based on farming and tourism.

And I will make this as short as possible since you do have it listed for the record.

The Southern California desert was used in the early 1940s by General Patton for training of his troops. It was also used in the early 1960s by the Desert Strike training exercise. This has left the desert area with scars which will remain indefinitely.

But the desert is used each fall, winter and spring for over 800,000 visitors to this part of the United States. These visitors from all over the United States. We call them "snow birds." In some areas they are just referred to as winter visitors. These people come to the desert to avoid the cost of heating in other areas of the United States with their cold weather. The people come to hunt rocks, travel the desert in their 4 by 4 vehicles, all-terrain vehicles, campers, trailers. Many of these people are disabled senior citizens and retired people who cannot hike the rough country. These winter visitors are complying with the land use plan already in effect at this time.

The desert is also used by millions of California residents for weekend recreation and vacation uses. They also comply with the existing California Desert Plan.

The United States Government has spent millions of dollars to implement the existing plan. With the national debt reaching such large figures, I feel there are more pressing needs than spending more money to close more of the desert areas.

This bill will affect the jobs of many, many Americans all over the United States. This bill will affect the people that are using recreational vehicles, clothing, hiking materials, in all areas of the tourist trade.

The bill also produces limited access to these areas that are necessary for the military and for the United States Government in the future.

Senate Bill 7 states that the Secretary is authorized to acquire all lands and interest in lands. This also could cost the taxpayers millions of dollars. Therefore, I feel that it would be in the best interest of the United States citizens and the taxpayers to oppose this bill.

In closing, I would like to go on record as opposing Senate Bill 7 and H.R. 371.

Thank you, Mr. Chairman and committee members, for your consideration of this important matter.

[The prepared statement of Mr. Martindale follows:]

CITY OF BLYTHE

220 NORTH SPRING / BLYTHE, CALIFORNIA / (619) 922-6161

Mr. Chairman

and Distinguished Committee Members

My name is William Martindale and I am the Mayor of Blythe, California, a small City (under 8,000 people) three miles from the California and Arizona border. Blythe is located in the Palo Verde Valley with farming and tourism as its income base.

I am addressing this distinguished Committee with great concern over the possible passage of Senate Bill 7 (Cranston), Titled California Desert Protection Act of 1987. If this Bill passes it will have far reaching financial impacts on our City and all of Southern California, as well as the industry of the U.S. and other countries. With the elimination of Revenue Sharing a small city must be concerned with any changes in revenues and loss of tax incomes.

The Southern California desert was used for training U.S. Army troops by General Patton during the first part of the 1940's and also in 1964 for the Desert Strike training. The damage done by these two training exercises have scarred the desert with roads and trails that will last forever. Yet page four of S-7 states "Wilderness has distinguishing characteristics essentially unattended by man's activities and which merits preservation for the benefit of present and future generations".

The desert is visited each fall, winter and spring by over eight hundred thousand visitors from all over the U.S. These people are called "Snowbirds" who retreat to the desert to avoid the cold winters, and high cost of heating in other parts of the U.S. The people who come to the desert hunt rock, and travel the desert in 4x4 vehicles, A.T.C.s (all terrain cycles) campers, trailers and motor homes. Many of these people are disabled senior citizens and other retired people who cannot hike this rough territory. These winter visitors are complying with the land use plan already in existence. The desert is also used by millions of California residents for weekend recreation and vacation areas.

The people have learned to live with the California Desert Plan of 1980. The United States Government spent over 60 million dollars of taxpayers money to develop and manage the existing plan. With the National Debt reaching such large figures, I feel there are more pressing needs than spending more money to close the desert.

"THE LORD GIVETH AND THE GOVERNMENT TAKETH AWAY". This Bill will reduce the auto manufacturing industry, gasoline, travel, manufacture of clothing, motor cycles, and all tourist industries in the United States. Maybe the United States Senate and the House of Representatives will not notice the unemployment changes, but the businesses, and City and County Governments of California will notice. The reduced spending will create shortfalls in tax revenues for these Governments.

This Bill will affect the mining industry in the desert which produces many of the materials used in making products used by the U.S. Government Defense Department in all branches of the service. We are now, in the last few years, finding new mineral deposits and uses for these materials in the area of space computer chips and other communications equipment.

This Bill also adds proposed wilderness around four major military bases in the Southern California area. This type of government planning if enacted by the elected members of the Senate and House of Representatives does not seem in the best interest of National Security.

Senate Bill 7 states the secretary is authorized to acquire all lands, and interest in lands, within the boundary by donation, purchase, or exchange. If the landowner cannot afford to sell the land or is not in favor of exchange, or donation, who will set the price for sale? The Supreme Court in a recent decision seems not to favor the government restricting or preventing the use of land by the private land owner. This restriction does not appear to be what our forefathers had in mind when the U.S. Constitution was written. I was of the belief this was a land of the People, By the People and For the People. When our Government again and again passes Bills to prevent the use of public lands that belong to people, maybe it is time for another revolutionary war, this time waged at the ballot box.

The Senator from California that introduced this Bill won election by a small margin because of an opponent that was little known. In a new election it is my understanding by some polls, this would be reversed by a large margin!

In closing I would like to go on record as opposing Senate Bill 7 and HR371.

Thank you Mr. Chairman and Committee Members for your time and consideration in this matter which is so important to many U. S. Citizens.

Sincerely,

WR Martindale

William R. Martindale
Mayor, City of Blythe, California
July 15, 1987

BM:vr

Senator BUMPERS. Thank you, Mayor Martindale.
Mr. Joyner.

STATEMENT OF JOHN JOYNER, CHAIRMAN, SAN BERNARDINO COUNTY BOARD OF SUPERVISORS, SAN BERNARDINO, CA

Mr. JOYNER. Yes, Mr. Chairman and honorable members of the subcommittee.

In the interest of brevity—and I thought that would strike a responsive tone—and possibly clarity and possibly, however, at the sacrifice of some spontaneity, I would like to stick to my written comments to the extent that is possible. And then I would certainly invite any questions that you might have.

First of all, I want to thank you, members of the committee, for this opportunity to make this presentation.

Once again for the record, my name is John Joyner. I am the Chairman of the San Bernardino County Board of Supervisors. And I am making this presentation on behalf of the County of San Bernardino and as an elected representative of my constituents.

I represent what is the largest district in the largest county in the continental United States, a substantial portion of which will be affected by the proposed California Desert Protection Act.

At this point I would like to submit to the subcommittee a statement of the National Association of Counties, which is a generic statement that substantially agrees with our more specific position. In addition, I am also submitting a packet of letters and statements from my constituents, from various agencies, and from the cities of Victorville, Needles and Barstow.[1]

For your information the County of San Bernardino is populated by about 1,200,000 people and is one of the fastest growing areas within the United States.

The proposed act has become very controversial in my district, Mr. Chairman, and in the County of San Bernardino as a whole, with the vast majority asserting that the new intrusion by government into the management of the desert land is unnecessary. And it bypasses congressionally directed principles of multi-use sustained yield and restricts the vast majority of this desert wilderness to less than 1 percent of the backpacking population.

The other side is maintaining that strict controls are necessary to preserve the fragile land in its natural setting. And this side supports the proposal. The vast majority of the agencies, organizations and residents in the desert do strongly oppose the proposed act.

On July 13 of 1987, the San Bernardino County Board of Supervisors adopted a position to oppose the bill unless it was modified to accommodate certain principles. The act should be amended to incorporate the principles of balancing resource protection with multi-use as identified by the BLM comprehensive land use plan developed after many years of broad involvement of major segments of the affected population.

Our review shows that the proposed laws imposes significant constraints on land uses and users, not necessarily equated with resource protection. It is extremely important to protect mining interests not just for our own county's economy, but for the American society in general. Closure of what may contain even future economically extractable minerals would not be in the national best interest in our opinion.

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[1] Retained in subcommittee files.

Under the current California county mining regulations, mined areas must be reclaimed and the habitat values can even be enhanced.

The bill we feel unnecessarily recreates the classic desert use confrontation of the early 1970s. Many people thought that this conflict was largely resolved because of the many compromises that have proven quite adequate to maintain a balanced approach to desert use and protection.

Additionally, we feel it will create a major displacement of the Bureau of Land Management role in desert management, one that has greatly improved in our opinion in the last few years.

Deficiencies we feel in the BLM management and planning can be dealt with via the mechanism created by the Federal Land Policy Management Act and by the California Desert Conservation Area planning process, one that took over 10 years to create and to fine tune. A lot of county time, Mr. Chairman, went into the BLM plan, and the county we believe has a unique and very constructive working relationship with BLM.

We feel that far too much sweat and volunteer effort went into the plan simply to sweep it aside.

We do oppose the formation of the East Mojave National Park. While we definitely agree on the merits of protecting the very unique character of the East Mojave, we must remember that it is the uniqueness of its character that makes it an intriguing environment. The East Mojave scenic area is more than just scenery, members of the committee. It is old historic roads and trails, mining remains, cattle, cowboys, habitat, wildlife and mesas, et cetera.

The transition of this relatively unstructured environment into a structured national park with all the inducement of human visitation and traffic will protect some of the values on paper, but it will detract from the very qualities that are so treasured. And those are the little used dirt roads, the freedom associated with this very remote corner of Southern California.

This area we feel can better be managed by curtailing and mitigating disruptive uses more than converting it into a sterile, overused playground environment currently experienced in many of our once very prime national parks.

The current designation of national scenic area is—

Senator **Bumpers**. Mr. Joyner, I am reluctant to interrupt you. Are you nearing the completion of your statement?

Mr. **Joyner**. Yes, sir. And I can truncate it if you would like.

Senator **Bumpers**. Would you please?

Mr. **Joyner**. Yes, okay.

There are certain parts of the S. 7 that we feel are acceptable to my constituents. We feel that possibly the upgrading of the Joshua Tree Monument to national park status, if it does not involve the acquisition of a great deal more land, would be satisfactory to many of my constituents in the area of Twentynine Palms.

We can support some of the act's proposed wilderness areas. We would, however, like to have an opportunity to view and study those more carefully.

And in closing, I would say that we have written to Senator Cranston. We have written to Senator Wilson. We have written to Congressman Brown and Lewis expressing that we are available to work in the development of sound laws relating to the desert use and protection.

And I have been in constant contact with Mr. Lewis' office in the hope that we can get more rangers and more protection for the East Mojave and the area in question.

Our basic position in conclusion, Mr. Chairman, is that we are in opposition to S. 7. However, we are willing to work with all parties to keep the best of what we have and to incorporate the most acceptable of what has been proposed at this time.

And finally, I would like to offer to you and to your subcommittee our county as a forum for further dialogue in improvement of the management of the desert land. And I thank you very much for your time.

[The prepared statement of Mr. Joyner follows:]

TESTIMONY

RE: S. 7 (CRANSTON DESERT BILL)

PRESENTED TO

SUBCOMMITTEE ON PUBLIC LAND, NATIONAL PARKS AND FORESTS

OF

SENATE COMMITTEE ON ENERGY AND
NATURAL RESOURCES

JULY 21, 1987

BY JOHN JOYNER
CHAIRMAN
SAN BERNARDINO COUNTY BOARD OF SUPERVISORS
385 NORTH ARROWHEAD
SAN BERNARDINO CA 92415-0110

TESTIMONY OF SUPERVISOR JOHN JOYNER ON S. 7

Mr. Chairman, and members of the Subcommittee:

Thank you for this opportunity to make this presentation to your Subcommittee. My name is John Joyner and I am the Chairman of the San Bernardino County Board of Supervisors. I am making this presentation on behalf of the County of San Bernardino and as the elected representative of my constituents. In addition to being the Chairman of the Board of Supervisors, I represent the largest district in the County. The district has 19,205 square miles--the substantial portion of my district will be affected by the proposed California Desert Protection Act.

As you go through the process of making laws for this country that will affect citizens thousands of miles away, the opportunity for us, as local government representatives, to express the views of our constituencies help maintain the strength in the foundation of representative government. It also gives a greater degree of fundamental local support to the laws that will affect us for years to come.

The proposed Act has become very controversial in my district and in the County of San Bernardino, with the vast majority asserting that the new intrusion by the government in the management of desert land is unnecessary. It bypasses past

Congressionally-directed principles of multiple use sustained yield, and it restricts the vast majority of the wilderness to less than 1% of the backpacking population. The other side is maintaining that the strict controls are necessary to preserve the fragile land in its natural setting and this side supports the proposal. The great majority of agencies, organizations, and residents in the desert strongly oppose the proposed Act.

On July 13, 1987 the San Bernardino County Board of Supervisors adopted a position to oppose the bill unless it is modified to accommodate certain principles. The Act should be amended to incorporate the principles of balancing "resource protection" in the desert with "multiple-use" of the desert land as identified by the BLM comprehensive land use plan developed after years of broad involvement of major segments of affected population.

Our review shows us that the proposed law imposes significant constraints on land uses and users, not necessarily equated with resource protection. It is extremely important to protect mining interests, not just for the County economy, but for American society in general. Closure of what may contain even future economically extractable minerals would not be in our national best interest. Under the current California and County mining regulations, mined areas must be reclaimed, and habitat values can even be enhanced.

THE BILL UNNECESSARILY RECREATES THE CLASSIC DESERT-USE CONFRONTATION OF THE EARLY 1970'S. MANY PEOPLE THOUGHT THIS CONFLICT WAS LARGELY RESOLVED BECAUSE MANY OF THE COMPROMISES HAVE PROVEN ADEQUATE TO MAINTAIN A BALANCED APPROACH TO DESERT USE AND PROTECTION. ADDITIONALLY, IT WILL CREATE A MAJOR DISPLACEMENT OF THE BUREAU OF LAND MANAGEMENT ROLE IN DESERT MANAGEMENT; ONE THAT HAS GREATLY IMPROVED IN THE PAST YEARS.

DEFICIENCIES IN BLM MANAGEMENT AND PLANNING CAN BE DEALT WITH VIA THE MECHANISM CREATED BY THE FEDERAL LAND POLICY AND MANAGEMENT ACT AND THE CALIFORNIA DESERT CONSERVATION AREA PLANNING PROCESS; ONE THAT TOOK ALMOST TEN YEARS TO CREATE AND FINE-TUNE. A LOT OF COUNTY TIME WENT INTO IT. BLM AND THE COUNTY HAVE A UNIQUE AND CONSTRUCTIVE WORKING RELATIONSHIP. TOO MUCH SWEAT AND VOLUNTEER EFFORTS WENT INTO THAT PLAN (ONE THAT SENATOR CRANSTON ORIGINALLY ENDORSED) TO SWEEP IT ASIDE JUST BECAUSE CERTAIN PARTIES WANT TO MAKE SOME CHANGES.

WE OPPOSE FORMATION OF THE EAST MOJAVE NATIONAL PARK. WHILE WE DEFINITELY AGREE ON THE MERITS OF PROTECTING THE UNIQUE CHARACTER OF THE EAST MOJAVE, WE MUST REMEMBER THAT IT IS THE UNIQUENESS OF ITS CHARACTER THAT MAKES IT SUCH AN INTRIGUING ENVIRONMENT. THE EAST MOJAVE SCENIC AREA IS MORE THAN JUST SCENERY. IT IS OLD HISTORIC ROADS AND TRAILS, MINING REMAINS, CATTLE, COWBOYS, HABITAT, WILDLIFE, MESAS, ETC., ETC.

TRANSITION OF THIS RELATIVELY UNSTRUCTURED ENVIRONMENT INTO A STRUCTURED NATIONAL PARK, WITH ALL ITS INDUCEMENT OF HUMAN VISITATION AND TRAFFIC, WILL PROTECT SOME VALUES ON PAPER, BUT WILL DETRACT FROM THE VERY QUALITIES SO TREASURED: THE LITTLE-USED, DIRT-ROADED FREEDOM ASSOCIATED WITH THIS REMOTE CORNER OF SOUTHERN CALIFORNIA.

THIS AREA CAN BETTER BE MANAGED BY CURTAILING AND MITIGATING DISRUPTIVE USES, MORE THAN BY CONVERTING IT INTO A STERILE, OVERUSED PLAYGROUND ENVIRONMENT CURRENTLY EXPERIENCED IN MANY OF OUR ONCE PRIME NATIONAL PARKS. THE CURRENT DESIGNATION OF "NATIONAL SCENIC AREA" IS MORE IN KEEPING WITH LAND OWNERSHIP PATTERNS AND MAINTENANCE OF THIS UNIQUE CHARACTER. THERE IS NO INDICATION THAT THE NATIONAL PARK SERVICE WOULD GIVE IT NEAR THE PRIORITY THAT BLM HAS. RIGHT NOW IT IS BLM'S BEST. IT WOULD NOT RANK NEARLY SO HIGH ON THE PARK SERVICES' PRIORITY LIST. THERE IS NO INDICATION THEY EVEN WANT IT.

WE ARE CURRENTLY REVIEWING BLM'S DRAFT EAST MOJAVE SCENIC AREA MANAGEMENT PLAN, WHICH SEEMS TO BE WEIGHTED HEAVILY TOWARD PROTECTION -- A REASONABLE APPROACH FOR THIS JEWEL OF THE DESERT. WE ARE ALREADY WORKING WITH BLM STAFF IN ADJUSTING OUR GENERAL PLAN AND POLICIES TO BETTER MANAGE

RESOURCES ON PRIVATE LANDS WITHIN THE PLAN AREA SO AS NOT TO PREJUDICE BLM'S PROTECTION OPTIONS.

FROM OUR PERSPECTIVE, WE QUESTION THE VALUE IN REDESIGNATING THE PORTION OF DEATH VALLEY NATIONAL MONUMENT WITHIN THE COUNTY TO PARK STATUS. IT WOULD ONLY INCREASE DISPLACEMENT OF MINING RIGHTS ORIGINALLY INTENDED TO BE INCORPORATED INTO MONUMENT MANAGEMENT, BUT SINCE DILUTED. AT THIS POINT IN TIME, WE CAN TENTATIVELY CONCUR WITH THE REDESIGNATION OF THE JOSHUA TREE NATIONAL MONUMENT TO PARK STATUS, BUT WE QUESTION ANY SUBSTANTIAL ADDITIONS TO THE BOUNDARIES.

WE CAN SUPPORT SOME OF THE ACT'S PROPOSED WILDERNESS AREAS, BUT WOULD WANT AN OPPORTUNITY TO WORK WITH MINERS AND RECREATIONISTS TO DEFINE CONFLICTS AND NEGOTIATE ON SOME BOUNDARIES.

IN CLOSING, I WANT TO SAY THAT I HAVE WRITTEN TO SENATOR CRANSTON, SENATOR WILSON, CONGRESSMAN BROWN AND CONGRESSMAN LEWIS, EXPRESSING AND MAKING OURSELVES AVAILABLE TO WORK IN THE DEVELOPMENT OF SOUND LAWS RELATING TO THE DESERT USE AND PROTECTION. I HAVE BEEN IN CONTINUOUS CONTACT WITH CONGRESSMAN LEWIS' OFFICE IN THE EFFORT TO BUDGET MORE BLM RANGERS TO IMPLEMENT THE DESERT PLAN.

FINALLY, I WANT TO OFFER THE COUNTY, AS A FORUM, FOR FURTHER DIALOGUE AND IMPROVEMENT OF THE MANAGEMENT OF THE DESERT LAND.

Senator BUMPERS. Thank you, Mr. Joyner. I apologize for having cut you off, but we have a vote at 6, and we have one more panel to appear.

Mr. JOYNER. I can understand that, Mr. Chairman.

Senator BUMPERS. Mr. Bright, how much money does your county get from payment in lieu of taxes? Do you know?

Mr. BRIGHT. No. It is something on the order of $300,000, $400,000. It is not very much.

Senator BUMPERS. All of you gentlemen have commented about the loss of jobs and tourism dollars and so on. Let me just ask you for an example, Mr. Joyner.

This bill closes about 1500 miles of unpaved and unmaintained roads 1500 miles. Somebody has suggested 15,000 which is just inaccurate.

And secondly, it leaves 36,000 paved, maintained and unmaintained miles of road still accessible. It does not close any paved roads or any maintained dirt roads.

And in an area that is this large, 1500 miles of unmaintained dirt roads—closing that in order to accommodate other values, such as wilderness, does not seem excessive to me.

But the point I want to make is—and perhaps you already know this—this bill among other things transfers BLM lands to the State of California so that a new state park can be founded. It adds 245,000 acres to the Joshua Tree National Monument, creates a new national monument, East Mojave, a million and a half acres, sets out 81 new wilderness areas totalling 4 million and a half acres.

And at that point let me emphasize that wilderness is a comparably new concept in this country. When I was governor of my state, I tried to get a wilderness bill through. And I remember one legislator said what do you want one for. We can grow a wilderness. But it began to catch on in this country.

And in my State I got a wilderness bill passed here 2 years ago. And visitation the first year, simply because it was painted green on the maps, attracted a lot of visitors. And this year already visitations are up almost 700 percent over last year. Wilderness is one of the fastest growing areas of tourism in this country.

Mayor, you suggested a moment ago that a lot of jobs were going to be lost, but you didn't mention the jobs that might be created.

Mr. MARTINDALE. I am sure there is a possibility there would be some jobs created. But again, the desert area, which you stated you had been through, was probably on an asphalt road. I would like to invite the committee to come to our area and really look at the desert area and see how accessible it is. The roads that will be eliminated are some of the roads that are used to transport people to and from the area.

Yes, I did mention jobs because tourist dollars creates jobs. But I feel that if these roads are eliminated, it will also eliminate some of these jobs. Our town has really been hurting. We fought to get a prison. So, I want the committee to understand—and I appreciate what you are saying, but we are concerned of losing any more revenue.

Senator BUMPERS. Well, it may be in that area. I may be wrong. Maybe the figures would not hold up on the increased visitation in wilderness areas. But I can tell you in my state it has been a godsend.

Mr. **Martindale**. I do not doubt that. The only thing I figure the desert is—I am sure no one is going to hike the desert this time of year. I have lived in the area 42 years. And I feel that it is a beautiful place to visit in the winter, but you want to be very careful this time of year.

Senator **Bumpers**. Well, I hiked it in World War II, and I must say I did not enjoy a minute of it. [Laughter.]

Mr. **Martindale**. I have been over most of that area.

Senator **Bumpers**. That was the one that was in all the papers. Mr. Bright?

Mr. **Bright**. Well, I was just going to say that in our area in the desert in the summer you are not going to go out and backpack in it because you are not going to carry a gallon of water day to survive.

I live right on the east side of the Sierras at the mile high. In that area you have got water everyplace. Even there in the Sierra Nevadas, when you speak about backpackers and use of the wilderness, according to the National Park Service, it has dropped 12 percent. King's Canyon backs up to our end of world, and just north of us Yosemite. So, I have a lot of wilderness right west of me. And I am very well acquainted with the north desert where Inyo County is. And we do not get a lot of visitors out there in the desert except for Death Valley. We get a lot of visitors going to Death Valley.

Senator **Bumpers**. Is one of the reasons for that because it is painted green on the map?

Mr. **Bright**. It could be. And there is a lot of water there. And there is a golf course. You know, there are a lot of nice things at Death Valley that attract people. It is a very interesting place.

But the other wilderness areas that—our other areas in the desert that we have—there is very, very little water.

I met Senator Cranston. I found him out at the Eureka sand dunes. And you have to pack all your water into the Eureka sand dunes. We do not have any water out there in that end of world. And if you had a concentration of people trying to come, this would be a real, real problem. Our sheriff department every summer has to try and find people that have got lost in the desert. We have got some now we have never found.

Senator **Bumpers**. How would this bill affect that?

Mr. **Bright**. What?

Senator **Bumpers**. How would this bill affect that?

Mr. **Bright**. Well, I think the bill would affect that if it is right what people keep saying is that it will attract visitors, we will just have more lost souls out there than we have now.

Senator **Bumpers**. Well, you cannot have it both ways. You cannot say, on the one hand, you are not going to have any increased revenue from tourism and jobs created from it, and on the other hand, the sheriff is going to be kept busier than he has been in the past.

Mr. **Bright**. You can have it both ways in this sense. Death Valley is known the world over. Whether it is a national park or national monument or what, they will go to Death Valley. That is our main desert attraction is Death Valley.

Senator **Bumpers**. You do not want any more attractions like it.

Mr. **Bright**. Well, I do not think you can create them because it just does not lend. It does not have the water supply, et cetera to lend itself—the most of it—for an added attraction.

Senator **Bumpers**. Mr. Bright and Mr. Joyner, do you not agree that there are just some areas that ought to be saved and set aside as fragile lands completely aside from economics, the jobs created or the jobs lost?

Mr. **Bright**. Well, I would say this, sir, in answer that a good part of our desert is going to be wilderness no matter what you do because you are not going to get around in it. It is that rough.

Senator **Bumpers**. Then what can possibly be lost by setting it aside legally?

Mr. **Bright**. Well, what can be lost to my county is the opportunity for mineral development. That is what we are looking at. We need a tax base.

Senator **Bumpers**. Mineral exploration would not be prohibited on all of the land.

Mr. **Bright**. Well, that is right. But when you look at our county with only 1.8 percent in private hands and the 98.2 percent in public or public lands, either owned by the City of Los Angeles—the City of Los Angeles gets 80 percent of their water from the Owens Valley. And it is removed from the standpoint of use from our standpoint except for grazing and such as that.

Senator **Bumpers**. Senator Fowler?

Mr. **Joyner**. Was that question also addressed to me? May I?

Senator **Bumpers**. Yes, I am sorry. I did address it to you.

Mr. **Joyner**. I did allude, Mr. Chairman, in my testimony to the fact that we are not opposed to the extension of wilderness areas. In fact, we could indeed support the extension of wilderness areas. We believe that there are some very fine areas there that should be wilderness and should be preserved for posterity.

Our major concern is that we want to work this out and get down to the details, and have everyone talk with the miners, and talk with the recreationalists, and define what the conflicts might be, and try to negotiate these boundaries.

I love that East Mojave. I have spent a lot of time out there in the last 50 years. And I represent it, and it is beautiful and it is well worth preserving.

And I think the intent on all sides here is good. But I think we have to sit down and think about this more carefully and work it out and work it out as quickly as possible because there is a terrible amount of damage that is being done out there for a lot of reasons, and it is needless.

Our county has been trying to support the proper care for this area. We have done a great many things. We are interested in doing more. If possible, we would like to try to broker this. We have some very fine people on our staff who are capable, who would like to work with Senator Cranston's office, who would like to work with Senator Wilson's office, and to work with you and your subcommittee. We love the area and we praise you for these hearings.

Senator **Bumpers**. Thank you very much, Mr. Joyner, for a good statement.

And let me say to you that I know that you are Chairman of the Board of Supervisors for San Bernardino.

Mr. JOYNER. That's correct.

Senator BUMPERS. That is a big county.

Mr. JOYNER. Yes, it is.

Senator BUMPERS. And you, or for that matter you, Mr. Bright, or any of the rest of you—I would suggest to you that you go through the bill very carefully. I mean, in hearings like this, we sort of shotgun things, and we say, well, we are going to lose jobs or we are going to get jobs and so on. But obviously, we are going to have to mark this bill up, and it is going to be a give-and-take session, as you have suggested. Perhaps that is as it should be.

So, I would suggest to all of you that you get your staffs to analyze the bill and tell us your specific objections to it, if it is a boundary line, or a usage, or whatever it may be, and communicate it to both Senators from California and this subcommittee. And I promise you your views will be looked at and taken into consideration.

Mr. JOYNER. Thank you. We will look forward to that. And we have started to initiate that process. And Senator Cranston, we would be delighted to work with you and those people who are making the proposal, and the same with Senator Wilson.

Senator BUMPERS. Thank you.

Senator Fowler?

Senator FOWLER. I would be glad to yield to Mr. Cranston. What I would like to do with your permission is that at the conclusion of this panel, there are some questions I would like to ask of Mr. Hastey which have been raised by this panel.

Senator BUMPERS. It would be permissible. He is still sitting there.

Senator FOWLER. I see he is eager and delighted to be recalled.

Senator BUMPERS. I will certainly grant your request. But before that, let me yield to Senator Cranston for any questions he may have of this panel.

Senator CRANSTON. I would just like to briefly respond to your statement—

Senator BUMPERS. Just a moment, Senator.

Senator CRANSTON. I would like to respond to your remarks about not having an opportunity to have input on this.

I introduced the bill originally back in 1986, in February. At that time I asked for comments from all those who were interested, pro or con, anybody who had any suggestions. We did hear from Inyo County simply that they didn't like the bill. I do not think we heard from San Bernardino County at that time. We did solicit responses. We got responses from some entities, some individuals, some organizations.

We took some of those comments and criticisms into account. We changed the bill in some significant ways. And then I reintroduced it at the beginning of this session in January and again asked for comments. And we are now going through that process.

Now, you—representing your counties and people who are interested in your counties—have a full opportunity to present your views as you are now doing. That is part of the process. That is the way we work out a bill, just as you work out a bill in your board of supervisors. And as the Chairman just said, all of this testimony will be taken into account when the committee go through the process of marking up the bill. So, do not feel you were excluded. You were included. You are having your opportunity now, and you will have further opportunities.

And I thank you for participating in the process.

Mr. **Joyner**. And we want to thank you for your concern for our desert.

Senator **Cranston**. Thank you.

Mr. **Joyner**. It needs all the help it can get as quickly as it can get it. And I think there will be something for everyone. And eventually this will be ironed out.

Senator **Cranston**. Good. I am glad you feel that way. Thank you.

Mr. **Levine**. Mr. Chairman?

Senator **Bumpers**. Yes.

Mr. **Levine**. May I make a one minute comment in the context of what I have just heard and the fact that some of these members are here at this time?

Senator **Bumpers**. Sure.

Mr. **Levine**. In light specifically of the fact that we have Senator Bill Richardson's representative here, I would simply like to mention for the record that members of both this house and our house have received quite a bit of correspondence on this legislation and quite a bit of it has been triggered through organized letter writing campaigns.

One of those organized letter writing campaigns was centered around a letter sent out by Senator Richardson. And a number of the assertions in that letter, which have triggered a great deal of the correspondence that we have received, were inaccurate assertions.

I am convinced, knowing Senator Richardson, that these inaccuracies were inadvertent. I do not believe that he would intentionally send out inaccurate information. But nevertheless, this was done however inadvertently it may have been.

The Wilderness Society drafted a response to the 33 assertions that were included in that document. I have a copy of that response here. Just in one sentence, according to the Wilderness Society in their language, "nearly all of these 33 statements were false, misleading or inaccurate." In this document, The Wilderness Society reproduces each of the 33 points verbatim and provides their response to those assertions.

I would ask unanimous consent of the Chairman in light of the significance of this document in terms of all the correspondence we have all received whether this could be included in the hearing record at this point.

Senator **Bumpers**. Without objection, so ordered.

[The Wilderness Society document follows:]

POINT / COUNTERPOINT

A RESPONSE TO AN UNWARRANTED ATTACK ON THE CALIFORNIA DESERT PROTECTION ACT

Groups in opposition to the California Desert Protection Act (S.7, H.R. 371) recently circulated a document containing 33 statements about S.7 and the potential effects of the legislation. Nearly all of these 33 statements are false, misleading or inaccurate.

In this document, The Wilderness Society has reproduced each of those 33 points verbatim, along with an accurate factual response to each.

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1. Statement: "Senate Bill 7 eliminates the Desert Plan,* which is a multiple-use, sustained-yield plan in the California Desert Conservation Area. It was created after a four-year study at a cost of $8 million and was put to use in 1980."

Response: **False.** S.7 does not eliminate the Desert Plan. The Desert Plan will continue to be the primary management tool of the BLM in its management of 9 million acres of land in the California Desert.

2. Statement: "Forty-six mineral commodities are produced in the desert, including:

97% of America's rare earth
15% of the talc
10% of the crude gypsum

Mining and exploration will be restricted in the proposed area."

Response: **False.** Only 13 commodities are mined in the California Desert in significant amounts. Virtually all of the known reserves of rare earths, talc, and gypsum are outside of the wilderness and park proposals of S.7. Further, all valid mineral rights associated with existing mining claims or leases within the proposal are legally protected under provisions of S.7.

3. Statement: "It would close 10,000 to 15,000 miles of accessible roads."

Response: **False.** S.7 closes only about 1,500 miles of identified primitive 'ways,' it does not close any roads. In fact, over 30,000 miles of roads and ways are left open to vehicle use.

4. Statement: "Grazing permits could be terminated and no new permits would be issued in the proposed area."

Response: **False.** Grazing permits would be allowed to continue in all BLM-administered wilderness areas. There is no grazing in Joshua Tree National Monument or its additions. Existing grazing permits in the proposed Mojave National Park and Death Valley additions would be allowed to continue until their normal expiration, but would not be renewed.

5. Statement: "The United States would be required to depend to an even greater degree on foreign imports of strategic minerals for defense use."

Response: **False.** Of the 14 minerals considered "strategic" by the U.S. Office of Technology Assessment, there are no economically recoverable deposits anywhere in the California Desert.

6. Statement: "Of the 18,316,699 acres in existing national parks (not including National monuments or State parks), 15,410,280 acres are either in wilderness or managed as wilderness. This means 'muscle power entry only' -- no structures or campgrounds. Less than 3,000,000 acres would be left accessible to the public."

Response: **False.** Virtually all of the land within the National Park System is open to the public. California presently has six national parks with a total acreage of 2,091,196 acres. The combined California acreage for all NPS units, including monuments, national seashores and other designations, totals 5,119,465 acres. Of this total, 1,990,034 acres, or 39%, have been designated wilderness by the Congress.

7. Statement: "The young, the old, and the disabled have the right to enjoy the wonders of the land. S.7 will restrict their access to the proposed area."

Response: **False.** S.7 will not substantially restrict access to the desert by the young, old or disabled. Tens of thousands of miles of access roads will be available for everyone to continue to use. In fact, some of the proposed wilderness areas are bounded by roads or have roads that reach into them. The proposed national parks all contain roads which provide public access.

8. Statement: "More than 6% of California land has already been designated by Congress as permanent wilderness. This bill will increase that amount to 15% of all California land."

Response: Actually, less than 6 percent of California land (5,935,574 acres) has been designated wilderness. S.7 will increase this to just under 15 percent.

9. Statement: "California has 101.5 million acres:

20 million - U.S. Forest Service
18 million - Bureau of Land Management
4.6 million - National Park Service
1 million - Bureau of Reclamation
State Park System - State Beaches - State Historic Sites

Over 1/2 of California land is government-owned."

Response: True, however, S.7 will not increase the amount of land under government ownership. The parks will be created from land already under federal ownership. S.7 authorizes acquisition of private land on a willing-seller basis only, unless proposed development threatens park values or resources.

10. Statement: "Air Force maneuvers over the 'Wilderness Area' could be inhibited due to noise restrictions."

Response: Nothing in S.7 will directly affect military aircraft operations over wilderness lands. There is an FAA advisory in effect for general aviation flights over national park lands that requests voluntary compliance with a 2000' minimum elevation. The advisory is non-binding and does not affect military flights. In some areas of the country, the military voluntarily limits low-level overflights over wilderness areas although there is no legal requirement that they do so.

11. Statement: "Off-pavement bicycling, which is 18% of the U.S. bicycle market, would be eliminated."

Response: False. Off-pavement bicycling enthusiasts will have more than 15,000 miles of dirt ways to explore. More than 4 million acres of land will also be open to them under BLM guidelines for such use.

12. Statement: "Current volunteer programs coordinated by the Bureau of Land Management would be eliminated."

Response: False. The legislation will not eliminate BLM Volunteer programs. In fact, federal agencies are relying increasingly on volunteer programs in parks and wilderness.

13. Statement: "Multiple-use of land would be eliminated."

Response: **False**. Park and wilderness designation allows for a wide variety of uses recognized under the Multiple Use and Sustained Yield Act of 1960, the Wilderness Act of 1964, and the National Park Service Organic Act of 1916. Uses such as recreation, wildlife, range, watershed, education, scenic beauty, and scientific research will be allowed in the areas protected under S.7. Additionally, more than 4 million acres of BLM land will remain open for development activities.

14. Statement: "Mineral mining would be restricted. Americans consume 40,000 pounds of minerals every year per person. Costs would increase as availability decreases. S.7 would also restrict research (scientific, industrial, and medical) requiring rare minerals found in the proposed area."

Response: **False**. Total production of boron, rare earths, silver, and tungsten, the four commodities produced in the greatest value from the CDCA, amount to a national per capita consumption of less than 5 pounds per person annually. S.7 will not have any measurable impact on the national availability of minerals. All valid existing rights are protected. Research will not be inhibited since the availability of rare minerals is not restricted.

15. Statement: "Rockhounding in the proposed area would be eliminated."

Response: **False**: Rockhounding will not be prohibited in BLM wilderness areas. Rockhounding opportunities will no longer be available in those areas added to the National Park System.

16. Statement: "Citizen Advisory Group and citizen involvement currently utilized by BLM would be eliminated."

Response: **False**. The legislation does not eliminate the Desert Advisory Committee. The Committee will continue to work with the BLM in conjunction with administering the Desert Plan.

17. Statement: "The primary utilization of the proposed area is scenic touring. Motorized vehicles are needed for this use, as are roads. This No. 1 use will be eliminated."

Response: **False**. As mentioned above, 30,000 miles of paved roads, maintained dirt roads, and unimproved dirt ways remain open for vehicle touring.

18. Statement: "None of our nation's 7 million recreational vehicles would be allowed to enter the proposed area."

Response: **False**. No maintained roads will be closed under the bill. All such roads currently available to recreational vehicles will remain open. 15,000 miles of paved and improved dirt roads and another 15,000 miles of dirt ways will remain open.

19. Statement: "Only part of the area has not met any set qualifications to mandate a 'Wilderness' designation."

Response: True. A small portion of the California Desert does not possess wilderness qualities. None of these areas are included in the California Desert Protection Act.

20. Statement: "Land sailing in the proposed area would be eliminated."

Response: Land sailing in the California Desert will not be eliminated. Popular land sailing sites currently used such as Ivanpah Lake are unaffected by the legislation.

21. Statement: "Major impact on tourist dollars, which is a substantial part of the area's economy."

Response: True. Creating three new national parks will have a **positive** impact on regional tourism and the area's economy.

22. Statement: "All off-road vehicles, 4-wheel drive, ATVs, motorcycles, dune buggies, as well as standard vehicles, would be prohibited. "Muscle power entry only"."

Response: False. More than 15,000 miles of dirt ways will remain open, and an area the size of Yosemite National Park will remain open for the primary use of ORV enthusiasts.

23. Statement: "Motorboats on portions of the Colorado River would be prohibited."

Response: S.7 will not affect navigation on the main channel of the Colorado River. Sensitive reed beds and riverside habitat in side bays in two National Wildlife Refuges will be protected.

24. Statement: "Utility corridors would become inaccessible for future expansion."

Response: False. Utilization, operation, and capacity expansion within existing utility corridors is unaffected by the legislation.

25. Statement: "Area would become accessible for only a select few."

Response: False. National Park Service administration of desert land will provide better facilities and access to the desert for the average American, and will provide interpretation of the desert resource to enhance visitor appreciation of the wonders it contains.

26. Statement: "According to Secretary of the Interior Donald Hodel, crowding in our national parks is not aided by adding more land. For example, in Yellowstone National Park only 3% of land in the park is open to the public. In Yosemite National Park, the public uses Yosemite Valley."

Response: **False.** The Director of the National Park Service has the opposite view. All of Yellowstone is open to the public except for some backcountry areas that are periodically closed to protect the threatened grizzly bear from people or vice-versa. All of Yosemite is open to the public. Outside Yosemite Valley are the popular Wawona Big Trees, Glacier Point, and Tuolumne Meadows.

27. Statement: "One-third of America, or 755.3 million acres, is controlled by the federal government. 64% of this land is excluded from mineral exploration, timber harvest and vehicular access. S.7 would add to this percentage."

Response: Actually, only 632 million acres are contained within our national forests, national parks, national wildlife refuges and BLM lands. Of this total, only 89 million acres, or 14 percent, have been designated wilderness by the Congress and are therefore "excluded from mineral exploration, timber harvest and vehicular access." Another 4% of the total is administratively managed as wilderness by the National Park Service. In addition, timbering and new mineral exploration is not permitted on National Park System lands. Under the provisions of S.7, valid existing mineral rights would be recognized in all areas and no existing mining operations would be shut down. There is no active timber harvesting in the lands to be protected under S.7.

28. Statement: "Open public desert land would be reduced from 10 million acres to less than 4 million acres. This would adversely impact remaining public land."

Response: **False.** All valid mineral rights are recognized within the protected areas, hunting will continue in BLM wilderness areas, and tens of thousands of roads will remain open. Vast areas now open for ORV use will remain open. There is no evidence that the thesis presented above is a valid one.

29. Statement: "S.7 would lock away our children's legacy."

Response: **False.** Exactly the opposite is true. The explicit purpose of our Park and Wilderness system is to preserve part of our nations heritage and legacy for future generations. Without protection, the unparalleled magnificence that is the California Desert would be destroyed, truly sealing off a valuable portion of the legacy of future generations.

30. Statement: "$40 million gold mining operation would be inhibited. South Africa currently produces 50% of the world's gold. If their mines closed down, the USSR would than have 50% of the total gold production. However, if South Africa fell to the Soviets, Moscow would control 75% of the world's gold market."

Response: **False.** All valid existing mineral rights are protected in the BLM and national park lands under the provisions of S.7. If the unidentified mine referenced above is within the lands covered by S.7, and is a valid claim, then it would not be affected by the legislation. No comment on the remainder of the above statement.

31. Statement: "26% of the mining claims in San Bernardino County are located in the proposed Wilderness area."

Response: All valid existing mineral rights are protected under provisions of S.7.

32. Statement: "S.7 would preclude future expansion of desert military bases."

Response: **False.** S.7 does not expressly preclude future expansion of desert military bases. It simply designates which areas will be protected as park or wilderness. S.7 does not affect existing procedures for military withdrawals.

33. Statement: "No distinction is made between cross-country, off-road vehicles and back road 4wd vehicles."

Response: Enough paved roads, dirt roads and unmaintained dirt ways remain available for 4wd touring to reach around the earth more than 1 1/4 times. These roads and ways often form the boundary of wilderness areas; some actually penetrate deep into remote areas along travel corridors set aside for this purpose. For cross-country ORV enthusiasts, an area larger than the State of Rhode Island is set aside primarily for their use.

Mr. **Pratt**. Mr. Chairman, I know that Senator Richardson has not had a chance to see that document. Could I request that that be sent to him?

Senator **Bumpers**. It will be.

Mr. **Levine**. I will send you a copy.

Senator **Bumpers**. Gentlemen, you are excused, and I want to thank you. You have come a long distance to testify on this. We appreciate your testimony and the efforts you have made to be with us this afternoon.

Ed, Senator Fowler would like to ask you a few more questions. Then we have one final panel, and we will conclude today's hearing.

Senator **Fowler**. Mr. Chairman, I thank you. As one of the two non-Californians here, in listening over the last couple hours, Mr. Hastey, since some of these issues will come up in other areas besides California, I would like you to tell me a little bit about how you proceed.

In the annual report, the plan, the California plan, I see that you acknowledge what we all know that the demands are such in these areas that—and I quote— "all competing uses cannot be accommodated." And I know that your job is one of great sensitivity and great difficulty in trying to balance the competing uses of any of these public lands.

But I want to go back to the line of questioning of the Chairman. How do you in this interim period, since the passage of the act in 1976, make the determination on which part of the lands under your administration have the unique character that we denominate as wilderness and what protection—what process, rules of protection, in this case since we are discussing these lands, have you developed to insure that that wilderness character will be preserved or in the words of the act will not be precluded when Congress does make a decision based on your recommendation?

Mr. **Hastey**. To answer your first question, we went through, as testified earlier, four hard years, $8 million worth, a tremendous amount of public involvement. It concerned me a little bit that it almost sounds as though we are suddenly starting this consensus building. We tried to do this in that four years through field polls, through public meetings, through sit-down discussions with the counties. We had public involvement throughout the United States. We feel very good that we have a balanced plan. The 1.9 million acres we have recommended is what came out of the plan.

Senator **Fowler**. Let me be specific. I am not trying to put words in your mouth. I am exploring, believe it or not.

Mr. **Hastey**. Okay.

Senator **Fowler**. But what I heard you say—and please correct me—is that the highest use under your own classification, what you call schedule C, allows motor cycles to go through these areas.

Now, in the other wilderness areas denominated as wilderness areas, you certainly do not have motor cycle races through the wilderness areas in anyplace that I have been familiar with because by definition, anybody's definition, wilderness and motor cycles are in conflict using that tightest of our definitions under public land use planning and management.

So, tell me how you preserve any part of the land as pure wilderness if you are going to have motor cycle races.

Mr. HASTEY. When you were out, I clarified that statement. We have not allowed a motor cycle race through a class C area. It was through a wilderness study area. But it was on an existing way, and it did not impair the wilderness.

Congress was very clear in section 603 of FLPMA in terms of how we would do the wilderness inventory and how we would conduct the studies to submit to Congress. It told us that we could not impair these areas but we could allow certain things to go on. We could allow existing uses. We could allow mining, but we could not allow impairments. So, we have an impairment criteria that we have used.

Senator FOWLER. I understand.

Mr. HASTEY. Now, only Congress can designate wilderness. When Congress finally says that that 1.9 million acres or some other number is wilderness, then there will be no motorized vehicles in those areas.

Senator FOWLER. Is what you are telling us then that under your construction of all the laws under which you operate that the Bureau of Land Management has no designation for wilderness absent a congressional authority of that precise specification?

Mr. HASTEY. No agency has that. The Forest Service does not have that. The National Park Service does not have that, nor does the BLM. Only Congress can make that designation.

Senator FOWLER. I know that only Congress can make that designation. Let's don't play word games.

Mr. HASTEY. We can make a recommendation.

Senator FOWLER. What I am saying is the authority under the FLPMA—whatever these things are called—whatever the acronym is—the 1976 act, that you are to go out there and look at everything over 5,000 acres and find which of those over 5,000 roadless acres, I believe it says, has wilderness potential.

Now, I would assume—and I think I am going to learn something here. I would assume that that means that in the interim, during this 10 year study, there are some lands that have such unique character under your consideration that they would immediately be protected as wilderness so as not to jeopardize or preclude in any way the Congress acting upon those lands six, seven or eight years down the road.

Mr. HASTEY. That is correct; 5.6 million acres are in that category. We are protecting 5.6 million acres until Congress acts on our recommendation of 1.9 million acres or more. So, we have found 5.6 million acres that meet that criteria.

Senator FOWLER. In which there is no mining?

Mr. HASTEY. Congress has told us that mining can continue, other uses can continue, and only they can make that final withdrawal. All they say is that we cannot impair the area. So, we have notified our miners this year that they are going to have to start reclaiming some of those areas because of the way our policy is set up. When we make our recommendation to Congress in 1989, those areas that were post 1976 mines will be reclaimed.

Senator FOWLER: I know we are running out of time. I understand it. I do not like it very much because, as I understand it, it is a judgment call as to the level of activity and what causes irreparable harm.

But just tell me this specifically. In this 5.6 million acres, what precautions has the Bureau taken to see that the mining activities will not cause irreparable harm?

Mr. HASTEY. We have surveillance flights. We have spent about $400,000 a year on surveillance of these areas. We review mining plan operations. We do environmental assessments. We notify the public when we get an application for mining. So, we do not allow any action to take place in that 5.6 million acres unless there is an environmental assessment and a non-impairment review of it.

Senator FOWLER. Have you allowed any roads to be built in those areas for mining other than existing roads?

Mr. HASTEY. We have allowed some roads that we felt were non-impairing and that could be reclaimed. They may be across, say, a fairly level area that would not require large cuts. But we have allowed some activity.

Senator FOWLER. Well, let me ask you this, and then I am through. Have there been any decisions in these wilderness areas, which is of course the cause of Senator Cranston's bill, that the Bureau under your jurisdiction has made in good faith in compliance with the law using your best judgment that now two, three or four years later you see in retrospect you would not have done?

Mr. HASTEY. No, sir.

Senator FOWLER. Thank you, Mr. Chairman.

Senator BUMPERS. Mr. Hastey, before you leave, I just want to say that in summary I think that what Senator Fowler and I both believe is that BLM has taken a discretion that was given to them and abused it. And I think they have argued that because they had this discretion that these mineral claims could be worked and a wilderness characteristic destroyed. And my own belief—and I do not want to speak for Senator Fowler—is that BLM went beyond the discretion given them.

And I must say the statute does not prohibit mineral claims to be worked. The statute is not contradictory, but it certainly is not clear about what is permitted and what is not. I mean, the Secretary is given broad discretion, but it seems to me that BLM has abused that discretion in allowing some of these mining claims to be worked.

Mr. HASTEY. I strongly disagree with you, Senator, with all due respect. I do not think we have. Our people on the ground have full discretion. Impairment is a subjective judgment sometimes as to what is and what isn't, but I really feel secure that we have not abused our discretion.

We have had something like 500 authorized actions that we have approved. We have had about 68 unauthorized activities that we have taken action on. But we always feel that the actions that we have taken were non-impairing and did preserve the wilderness characteristics so that Congress could act without any bias.

Senator BUMPERS. Mr. Hastey, thank you very much.

Senator WILSON. Mr. Chairman?

Senator BUMPERS. I'm sorry, Senator Wilson. I did not realize you were here.

Senator WILSON. Thank you, Mr. Chairman.

Mr. Hastey, before you get away, first, thank you for coming back. I was back just too late from the vote to catch the panel. And I wanted to ask a couple of questions, one of which the Chairman has asked with respect to your timetable on the completion of your studies.

The other was suggested by the admirable succinct testimony of Councilman Braude when he made the point in a very few brief paragraphs that the City of Los Angeles is dependent both upon imported power and imported water for its good health, the imported power having to do with the quality of the air, and the water being unavailable from any other source than those from which it is imported. And he expressed pleasure that there is assurance to his satisfaction in S. 7 that future transmission lines for both power and water can be accommodated in the existing BLM corridors.

Do you have any disagreement with that point of view?

Mr. HASTEY. Yes, I disagree. I think some of the corridors will be very constrained under Senator Cranston's bill. And I also think that we remove some of the discretion in terms of future plan amendments, the dynamics of a plan, say 10, 15, 20 years from now, that would allow some modification of corridors or some additional corridors to meet the demands of the L.A. basin.

I think the L.A. city councilman stated that we did a very good job in the corridor study working with the public and with the utility companies. I might say that we did that in all of the elements, whether wildlife, wilderness or any other. We did a good job in the plan in balancing it out.

But there are some other corridors, and Senator Cranston has stated that he is willing to look at some of these individually. There are some that are constrained.

I think the bigger issue is the future, whether or not there are going to be additional transmission lines or additional pipelines that perhaps cannot be accommodated through this additional wilderness or park designation.

Senator WILSON. Well, that is a point I would like to pursue just briefly. Have you, working with the Department of Commerce or with state agencies, been able to project what—the most obvious would be the City of Los Angeles power and water agencies—what their projections are with respect to growth and what their projections are with regard to need?

Is your disagreement with the councilman's statement based upon any such projection and any such specific projection onto the map of the desert as to the ability of the existing BLM corridors to accommodate that future need?

Mr. HASTEY. Nothing specific in the future. Just that, as you well know, projections are extremely difficult. At one time we were facing an energy crisis in California. Now it appears we have surpluses. Gas fluctuates up and down in terms of whether we have an adequate amount in California, whether we need to import it. So, as to the projections about 10, 15 years from now—we have not looked at those.

We feel the corridors are adequate to meet the immediate needs of the foreseeable future the way they have been described.

Senator WILSON. I am sorry.

Mr. HASTEY. The present corridors that we have established in the plan we think are adequate to meet the foreseeable future. But I am talking about 15, 20 years down the road in terms of what additional needs may arise.

Senator WILSON. S. 7 in your judgment accommodates the present need.

Mr. HASTEY. Our plan does, yes.

Senator WILSON. You have some doubt about the future.

Mr. HASTEY. Yes, and whether or not they will have to have some modification. Some of our areas are becoming extremely loaded with transmission lines, pipelines. We may find that we are going to have to make some modification in some of these areas in the future. But that would be done through the planning process, through full environmental analysis and public input.

Senator WILSON. Thank you, Mr. Chairman. Thank you, Mr. Hastey.

Senator BUMPERS. Mr. Hastey, it may cost you your job, but I do want to say that the members of the staff on this committee have an immense respect for you. We cannot say that about everybody that comes over here from the Department of the Interior. And I hope you are employed tomorrow.

[Laughter.]

Senator WILSON. Mr. Chairman, I am beginning to understand why it has taken the advocates of sainthood for Padre Sera so long to move his candidacy. I think he is behind Mr. Hastey on the list.

Mr. HASTEY. Thank you very much.

Senator BUMPERS. Thank you, Mr. Hastey. Our last panel this afternoon—and we are going to have to move along because, as I said, we have a vote. We have three final witnesses: Sharon Apfelbaum, Buford Crites and Mal Wessel. Ms. Apfelbaum is the Palm Springs City Council Member. Mr. Crites is Palm Desert's City Council Member, and Mr. Wessel is Barstow's City Council Member.

Ms. Apfelbaum, your name is first, and so would you please proceed?

STATEMENT OF SHARON APFELBAUM, MEMBER, PALM SPRINGS CITY COUNCIL, PALM SPRINGS, CA

Ms. APFELBAUM. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, I am Sharon Apfelbaum, member of the City Council of the City of Palm Springs, California. I speak today on behalf of the public officials and citizens of our city and the surrounding Coachella Valley who care deeply about preserving the Agua Caliente Indian Canyon Area.

I am honored to be here and proud to support the Indian Canyons National Historic Site proposed in Title VI, section 503 of your California Desert Protection Act, Senator Cranston.

This portion of S. 7 designates 490 acres, which include three pristine palm canyons located just outside Palm Springs city limits in Riverside County as historic sites, forever shielding them from developer's bulldozers which even now stand poised at their mouths ready to level the land for condominiums.

The Indian Canyons are the most important, unprotected desert area in the Nation. Our family and our children's school groups have hiked and picnicked and enjoyed these special canyons for close to two decades. They offer the richest and most varied cultural and archaeological resources in California's deserts. No other landscape contains such a wealth of recreational, historic, natural and scenic splendors.

Andreas Canyon is the site of an ancient Cahuilla Indian village and retains the last remaining vestiges of that nearly extinct people. Listed in the national register of historic places, Andreas Canyon's hundreds of archaeological sites contain petroglyphs, homesites, grinding areas, burial grounds and sacred and ceremonial landmarks.

Palm Canyon is the largest natural fan palm oasis in the world. Murray Canyon stands a close second with many thousands of stately native Washingtonia Filifera palms. Here is a landscape carved with snow-fed streams and palm filled canyons with high cliffs, waterfalls and picturesque fields of natural boulders. Spectacular views create a scenic transition from desert floor to towering mountain peaks.

The Canyons showcase a rare concentration and rich variety of native plants, riparian corridors and wildlife habitats. They are the home for endangered species which include the Least Bell's Vireo and the desert bighorn sheep.

The region provides a natural park land of undisturbed tranquility, scenic pleasure and outdoor recreation just 10 minutes from downtown Palm Springs. The canyons are a unique tourist attraction and an economic base which will increase in importance as steady urban growth in California's fastest growing county swallows up our open spaces.

Efforts to designate this area officially as park land and to obtain compensation for land owners have continued for over 60 years. It was proposed in the original California State Park survey conducted by Frederick Olmstead in 1928. The Federal Government and local people have repeatedly tried to create a national park or a monument here.

Preliminary studies show that Indian landowners stand to gain greater financial benefit by maintaining the natural integrity of these canyons than by surrounding them with urban and resort development. If the area becomes a protected park land with visitor facilities and an interpretive center the Agua Caliente Indians can expect a new annual income of close to a million dollars by the turn of the century. Through the increased need for tourist services, our local economy will share in this positive economic impact.

By supporting the Indian Heritage National Historic Site portion of S. 7, you will assure the long overdue protection of a priceless national asset. This unique area deserves to remain pristine so future generations of Americans can appreciate its natural and historic values.

I sincerely urge your support.

Senator Bumpers. Thank you very much.

Mr. Crites.

STATEMENT OF BUFORD CRITES, MEMBER, PALM DESERT CITY COUNCIL, PALM DESERT, CA

Mr. CRITES. Mr. Chairman, Palm Desert is a city of approximately 20,000 located in the center of the Coachella Valley around 120 miles to the east of Los Angeles. Our valley is experiencing rapid urbanization. As an example, Palm Desert is one of the two or three most rapidly growing communities in California. As a result, those of us at the local level are familiar with the need for long-range planning, the impact of growth, both controlled and not, and the value of open space and the value of making timely decisions concerning planning.

I would like to take this committee on a brief verbal tour around the edges of our valley to note the need for passage of the California Desert Protection Act. Seventeen miles to the north of Palm Desert is Palm Canyon, 10 minutes from downtown Palm Springs and the location of the proposed Indian Canyons Historic Site. This canyon, as has been noted, is home to our Nation's largest oasis of native palms, named for our first president, the Washingtonia Filiferia. It is also rich in archaeological sites and hosts both a diverse and a delicately balanced plant and animal community.

Because of that, it is unique. And I use that word carefully and not overwhelmingly. The Palm Desert City Council has unanimously requested that this area be included in the Desert Protection Act.

And I might add as a personal note that while I had the opportunity to grow up in the rich and green lands of Missouri and Arkansas, my years in the desert have given me an equal love of the stark browness that surrounds us. And the Indian Canyons area is indeed one of the crown jewels of our desert and one that vitally needs your help and now.

If we look across our valley to the east, we will see the little San Bernardino Mountains which form the edge of the Joshua Tree National Monument. The proposed restoration of lands, which were originally included in the monument, is in my opinion of high importance. The expanding population pressures, coupled with inadequate protection, has resulted in back country dump sites, ORV damage, and the use of various canyons as illegal access points to existing wilderness areas. The passage of each under-protected year further degrades the area, damaging the fragile land in ways that may never be repaired.

To the west of our valley, the Santa Rosa Mountains form a cool barrier of green high above our desert on one side and the crowded Los Angeles-San Diego megalopolis on the other. The chance to preserve a piece of true wilderness almost within site of downtown Los Angeles is an extraordinary opportunity. And if protected, it will serve as a sanctuary for the endangered desert bighorn sheep, as well as other threatened plants and animals.

At the southern end of the valley, the Mecca Hills and the painted canyons area contain miles of winding, intricate water eroded canyons. Vivid bands of contrasting colors and sparse desert flora, which after our rare rains burst into brief masses of color, provide treat after treat for automobile passengers, casual strollers and ardent hikers. Here again, open trash dumps, semi-permanent squatter sites, and massive and indiscriminate ORV use are rapidly changing beauty into blight.

It matters then not in which direction we lift our eyes. The dangers of misuse, overuse and quick exploitation surround us. If we were in the eastern part of the U.S., we would be asking for a "greenbelt" around our valley. We instead are looking for a "brownbelt" of desert around our valley. And as we honor the 200th anniversary of our Constitution, it seems an appropriate time for a charter of freedom and a bill of protection for our California deserts.

Those of us in the Coachella Valley who favor the Desert Protection Act do so not only out of love for the desert and care for what we believe is our common future, but because we believe its passage makes good, sound, economic sense for our businesses, for our residents and for our tourist guests. Our economic future will not flourish if our adjacent public lands are denuded of their plants and animals and filled with ever-increasing numbers of ruts, dust, trash and noise.

Our future, our economic well being lies with a desert which still provides carpets of flowers, a prodigious diversity of animals, access to unspoiled mountains, canyons and plains and solitude.

Thank you.

[The prepared statement of Mr. Crites follows:]

City of Palm Desert
73-510 FRED WARING DRIVE, PALM DESERT, CALIFORNIA 92260
TELEPHONE (619) 346-0611

My name is Buford Crites and I am a member of the Palm Desert City Council. Palm Desert is a city of approximately 20,000 in the center of the Coachella valley. The valley is experiencing rapid urbanization. For example, Palm Desert is one of the 2 or 3 fastest growing cities in California. As a result we are familiar with the need for long range land planning, the impact of controlled and uncontrolled growth and the value of open space.

I would like to take this audience on a brief verbal tour of the edges of our valley and note the need for passage of the California Desert Protection Act.

Seventeen miles to the north of Palm Desert is Palm Canyon, location of the proposed Indian Canyons Historic Site. This canyon is home to our nations largest oasis of native palms--named for our first President--the Washingtonia Filiferia. It is also rich in archaeological sites and hosts a diverse and delicately balanced plant and animal community.

Because of its unique (and I do not use that term lightly) nature the Palm Desert City Council has unanimously requested this area be included in the California Desert Protection Act.

If we now look across the valley to the east we will see the little San Bernandino Mountains which form the edge of Joshua Tree National Monument. The proposed restoration of lands originally included in the monument is in my opinion of high importance. Expanding population pressure coupled with inadequate protection has resulted in numerous back country dump sites, ORV damage and the use of various canyons as illegal access points to existing wilderness areas. The passage of each unprotected year further degrades the area damaging the fragile land in ways that may never be repaired.

To the west of the Coachella valley the Santa Rosa Mountains form a cool barrier of green high above our desert on one side and the crowded San Diego-Los Angeles megalopolis on the other. The chance to preserve a piece of true wilderness almost within sight of downtown Los Angeles is an extraordinary opportunity. If protected, it will serve as a sanctuary for the endangered Desert Big Horn Sheep as well as other threatened plants and animals.

At the southern end of the valley the Mecca Hills and painted canyons area contain miles of winding, intricate water eroded canyons. Vivid bands of contrasting colors and sparse desert flora, which after our rare rains burst into brief masses of color, provide treat after treat for automobile passengers, casual strollers and ardent hikers. Here again open trash dumps, semi-permanent squatter sites, and massive indiscriminate ORV use are rapidly changing beauty into blight.

It matters not then in which direction we lift our eyes, the dangers of misuse, overuse and quick exploitation surround us. On the 200th anniversary of our constitution it is time for a charter of freedom and a bill of protection for our California deserts.

Those of us in the Coachella Valley who favor the Desert Protection Act do so not only out of love for the desert, and care for our common future but because we believe that its passage makes economic common sense for our businesses, our residents, and our tourist guests. Our economic future will not flourish if our adjacent public lands are denuded of their plants and animals and filled with ever increasing ruts, dust, trash and noise.

Our future, our economic well being, lies with a desert which still provides carpets of flowers, a prodigious diversity of animals, access to unspoiled mountains, canyons, plains - and solitude. Thank you.

RESOLUTION NO. 87-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, SUPPORTING TITLE VI, SECTION 603, (INDIAN CANYONS NATIONAL HISTORIC SITE) OF THE CALIFORNIA DESERT PROTECTION ACT OF 1987

WHEREAS, the subject land, as identified in the proposed legislation, at the mouths of Andreas, Murray, and Palm Canyons, is the site of an ancient Cahuilla village containing over 200 individual archaeological resources; and

WHEREAS, the subject land is of great cultural importance to the Agua Caliente Band of Cahuilla Indians; and

WHEREAS, the subject land contains a rare and unusually diverse association of desert and riparian vegetation including native fan palm oases and comprises one of the most important remaining examples of native desert flora in the Coachella Valley; and

WHEREAS, the subject land provides habitat for the endangered Least Bell's Vireo; and

WHEREAS, the subject land is a stunning visual resource; and

WHEREAS, each year many thousands of people visit the subject land to enjoy and appreciate its natural beauty; and

WHEREAS, the highest and best use of the subject land is preservation in its natural state.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Palm Desert, California, that the City of Palm Desert supports the designation of the subject land as the Indian Canyons National Historic Site as called for in Title VI, Section 603, of the California Desert Protection Act of 1987.

BE IT FURTHER RESOLVED that the City of Palm Desert supports the legislative intent to provide just and fair compensation to the current landowners and to ensure that the land is held in trust for the Agua Caliente Band of Cahuilla Indians as part of the Agua Caliente Indian reservation to be managed to preserve the natural and cultural values of the land.

Senator **Bumpers**. Thank you. That's a very fine statement.

Mr. Wessel.

STATEMENT OF MAL WESSEL, COUNCILMAN, BARSTOW CITY COUNCIL, BARSTOW, CA

Mr. **Wessel**. Chairman Bumpers, Senators, ladies and gentlemen, I thank you very, very much for this opportunity to speak to you on the desert plan of Senator Cranston.

I bring to this forum two perspectives: The first, that of a local government representative of the City of Barstow, and secondly, personal, one who enjoys the recreational use the vast desert resource.

Our City Council, along with our city, and along with most other public agencies in the high desert representing some 200,000 people, has gone on record opposing the Desert Protection Plan as proposed by Senator Cranston.

Our concerns are largely economic. The Cranston plan would severely curtail mining, which is San Bernardino's number one industry. The proposed plan would also hamper transportation of people, energy and products since the area in question represents a major lifeline of all of these to Southern California.

Contrary to the popular belief, we also believe the proposed plan would have an adverse, extremely negative effect on tourism and recreation in the high desert, which are major factors in the high desert economy.

California was a victim once before by a similar ill-conceived preservation plan. In the late 1960s after a similar heated debate, the Redwoods National Park was created in Northern California. The same kinds of promises were made then. And of all the promises made, the only one that we know of that was really kept was the promise of the loss of 4,000 jobs. Probably the loss is closer to 8,000 jobs.

Ladies and gentlemen, I am a person who lives in and loves the desert. And I sincerely would not like tc become the victim once again of an ill-conceived plan to save the desert such as when we saved the Redwoods. I believe the vast majority of those who live in and those who come to use and play in the desert support the concept of protecting the valuable resources we have.

Any plan must be realistic and must recognize the concept of multiple use while protecting environmentally sensitive areas. It must surely recognize the need for the development of mineral and natural resources for public benefit. And it must provide for a wide variety of public use, including recreation, mining, ranching, transportation, and in our case of course, national defense.

In 1980 the California Desert Plan was adopted after four years, $8 million, and a great deal of public input. That plan proposes a balanced multiple use. Not all agree with all the elements of that plan. But it is certainly more workable than the bill now proposed.

There is one major flaw in the plan, however, and that is that it has never been funded to the extend recommended or necessary to manage and protect the resources. The Bureau of Land Management today tries to manage without sufficient manpower or sufficient funding resource. I don't care what you call it, park, monument, wilderness or limited use, but if there is no commitment to funding, absolutely nothing can be protected.

The most logical and simple way to protect our desert is to provide the necessary funding and support to the Bureau of Land Management so that agency may adequately manage the desert resource in a balanced, multiple use concept as previously approved by Congress.

Senator, thank you very, very much.

Senator BUMPERS. I take it you didn't object to the preservation of the Redwood Forest, Mr. Wessel?

Mr. WESSEL. No, I don't object to the preservation of the Redwood forest, Senator. I object to the loss of jobs and nothing being done that was told to the public that was going to be done, about the tourism that would come into the area and so on, and about no jobs being lost and so on. But there was.

That's the same way with our desert. The wilderness aspect of our desert is different than the wilderness aspect of probably your area in Arkansas and so on. It is an area where people do not walk around. It is hot. It takes vehicles to go into that area. If the East Mojave is made into a national park, we will lose the tourism that is there. We will lose the mining that is there. We will lose the ranching that is there. We will lose the hunters that are there. We will lose the campers that are there. This is an area that goes by vehicle.

I think, Senator, a very good idea would be for this committee to come to the Mojave Desert and look at what we talk about.

I only represent the working people of the City of Barstow and most of the people in the high desert. We had public forums. And our public forums came out 97 percent against the plan as proposed now.

We have a BLM office in Barstow and we support that BLM office. They do one heck of a job with very little money.

Senator BUMPERS. Would you agree that some things ought to be saved completely aside from the economics of the area?

Mr. WESSEL. Senator, there is no doubt about that.

I think the biggest concern that we have—Senator Cranston asked about input. I believe 11 or 12 of us met with Mrs. Lacey. I believe that is she back there. We met with her. Mrs. Lacey advised us that this bill was proposed and was being sent to Congress through the input of only one group, the Sierra Club, period. That is not what I call input from the public.

I told her, as did the group that was there, we did not agree with this bill. And she said that she knew and Senator Cranston knew there were people like me out there, but they just didn't agree with me.

Senator BUMPERS. Is there any part of this bill you agree with?

Mr. WESSEL. Oh, I think there is lots of this bill that can be worked out quite well if we sit down and everybody gets input on it. But at the present time the only input we have is from the environmental groups. There is no input——

Senator BUMPERS. Is your principal objection because you were not consulted——

Mr. WESSEL. No.

Senator BUMPERS [continuing]. Have any input into it?

Mr. **Wessel**. No, I do not see how you can consider a bill that is only coming to you from one small segment of the society.

Senator **Bumpers**. Well, I am not sure that is the case. But aside from that, do you think that would remove most of your objections to it if you had a chance to hold a hearing in Barstow and allow people there to comment on it?

Mr. **Wessel**. I think once Congress, Senator, realizes that there are a lot of other people out there and gets the concerns of a lot of other people, that this bill will not be in its present form in any manner.

Senator **Bumpers**. Mr. Wessel, let me say that some of the points you make obviously have merit. And I am not being critical, but I will say this. It seemed to me that in your testimony I was disturbed with the fact that your entire testimony was couched in economics and nothing on the aesthetic or preservation side.

You know, we have places in Alaska. You run an ORV vehicle across it, and those tracks will be there 10,000 years from now. And I believe very strongly that we ought not to be running vehicles across areas that are that fragile. Do you agree?

Mr. **Wessel**. Some areas, yes. But Senator, I live there. I work there. I play there. I go in this area on a very normal basis. I know what this area is now. I know what it has been before, and I know what it will be if we turn it into a national park. It will be a ghost town. And that is just my personal belief. And I think if you come there, and if you look at the area, and you see the manner in which it has to be accessed, you might agree.

Senator **Bumpers**. Well, tell me what part of the bill you agree with.

Mr. **Wessel**. I don't know that I can pick out any one particular part of the bill, acre-by-acre, at the present time, Senator, but I will be happy to—

Senator **Bumpers**. You said a moment ago there were a lot of things about the bill that you agreed with. And I was just curious as to what they were.

Mr. **Wessel**. I believe in preservation of certain parts of the desert. I believe in making certain parts of the desert into a wilderness area. I do not believe in the East Mojave National Park concept of where it is going to be. I do not believe it needs to be a park. In fact, I think it will curtail all activities in the area. There are a lot of ranchers in that area. There are miners in that area. We hunt in that area. We walk in that area. We petroglyph in that area. And a lot of those things we could not do because this is an area that is accessed by vehicle, Senator.

Senator **Bumpers**. I think it is agreed by everybody here that has testified that the use of those areas continues to increase. Do you believe that if we do nothing that those areas will even preserve the characteristics that you like best?

Mr. **Wessel**. I believe if you will let the Bureau of Land Management do the job for which they have been tasked and give them the proper money, Senator Cranston will get the major part of his bills that he wants done without anything else being done as far as this bill is concerned.

Senator **Bumpers**. Well, see, there are some of us here who don't think that BLM has done a particularly good job of being a good steward over this land.

Mr. **Wessel**. That was quite obvious today, Senator.

Senator **Bumpers**. That is one of the reasons we are here.

Mr. **Wessel**. That became quite obvious.

But you have got to realize that there are people like me that think the BLM is doing a very good job. We have a BLM office in Barstow that does a very outstanding job, Senator.

Senator **Bumpers**. Well, if we all agreed on everything, everybody would want to marry old Betty, and then we would really be in a hell of a mess, wouldn't we?

Mr. **Wessel**. That's true. [Laughter.]

Senator **Bumpers**. Senator Wilson.

Senator **Wilson**. No questions.

Senator **Bumpers**. I will tell you an interesting little story that I use in a speech. My father-in-law who is dead now, he had an eighth grade education. But he was one of the most sagacious men I ever knew. And he told me one time that because he only had an eighth grade education that he had studiously tried to learn something new every day. And that is one of the things I learned from him.

And last year I was delivering a high school graduation speech. And this beautiful, young girl delivered the valedictory address. And this has little to do with this hearing, but it has something to do with Redwood trees.

[Laughter.]

And she told a story, which I thought was extremely gripping, and I have used it a speech about America and how we survive in this country. She said that some Redwood trees are 2,500 to 3,000 years old, and they tower 200 feet tall. But they have a shallow root system. And so you might ask how could a tree that massive and that tall survive the elements for 2,500 years. And the answer to that is that their roots reach out approximately twice as far as the furthest limb on that tree, and they entwine themselves around the roots of adjoining trees and thereby hold each other up. And so it is in this country. And ever since I heard that, I have a new reverence for Redwood trees.

And I strongly supported Senator Cranston's bill when I first came to the Senate. And I must say I have never regretted it for a moment. I honestly believe that if God is going to hold man accountable for anything, it will be his stewardship over the land. And we have been doing one hell of a poor job in this country. And that is the reason I generally support legislation such as Senator Cranston's.

Now, that lecture does not cost you a penny.

Mr. **Wessel**. No. And let me tell you one, Senator, and this lecture will not cost you a penny. [Laughter.]

Senator **Bumpers**. Now, you are not going to get the last word, but go ahead. [Laughter.]

Mr. **Wessel**. We may be here all night, sir.

At least you will know the little folks from Barstow do exist. We appreciate the invitation to be here. We appreciate Senator Cranston's intentions in this. And I believe that I agree with John

Joyner that if we get together out of this, there will be a very good desert preservation plan.

But if you really want to know about the desert, I do not see how we can sit here—and most people here probably never having been there at most times of the year. You need to go there and you need to see it.

Senator **Bumpers**. That is like telling Noah about the flood. I have been all over that desert.

Mr. **Wessel**. You need to see what we do, what groups do, to clean the desert and make the desert habitable for people to go to. And you need to realize that our desert is accessed by vehicle. There is a race one time a year from Barstow to Las Vegas—one time a year. It is not a situation where people go out and ride pell-mell and so on. You need to come there and you need to see our desert, and you will have a greater respect for it.

Senator **Bumpers**. Thank you very much, Mr. Wessel.

Mr. **Wessel**. Thank you.

Senator **Bumpers**. And to Ms. Apfelbaum and Mr. Crites, I found your statements very good. And if we do not do anything else, Ms. Apfelbaum, I promise you we will get the Indian Canyons National Historic Site.

Ms. **Apfelbaum**. Thank you very much. We are very interested in that.

Senator **Bumpers**. We stand in recess until next Thursday morning I guess.

[Whereupon, at 5:45 p.m., the subcommittee recessed, to reconvene Thursday, July 23, 1987.]

CALIFORNIA DESERT PROTECTION ACT OF 1987

THURSDAY, JULY 23, 1987

U.S. Senate,
Subcommittee on Public Lands,
National Parks and Forests,
Committee on Energy and Natural Resources,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Timothy E. Wirth, presiding.

OPENING STATEMENT OF HON. TIMOTHY E. WIRTH, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator Wirth. The committee will please come to order. This afternoon we are continuing consideration of S. 7, the California Desert Protection Act, the measure before the public lands, national parks, and forests subcommittee of the full Committee on Energy and Natural Resources.

On Tuesday we heard interesting, often conflicting testimony from about 20 elected officials from California and from the Department of the Interior. Not elected officials from the Department of Interior, but officials from the Department of Interior. We gleaned a great deal of information on a wide array of subjects.

Today we will hear from nearly 40 witnesses more, many of whom are experts in their respective fields, and I am looking forward to hearing the testimony, which will undoubtedly represent diverse perspectives on the proposed legislation.

Unfortunately, because of the number of witnesses, we have had to limit each witness' testimony to three minutes, and to bunch the witnesses together at the witness table. Your complete statement will be submitted for the record. The hearing record will remain open for two weeks to receive additional views and materials.

Before proceeding to our first panel I would like to recognize the distinguished senior Senator from the State of California, Senator Cranston, the prime sponsor of this important piece of legislation. Senator Cranston?

Senator Cranston. Thank you very much, Mr. Chairman. I made my statement Tuesday. So in fairness to all of those who want to testify, I will make none at this point. Thank you.

Senator Wirth. Our first panel this afternoon will include Mr. Kim Cranston with the Committee for California Desert Parks. Perhaps you could all come up and join us at the witness table. And Ms. Shelley Duvall from Los Angeles, California, Ms. Morgan Fairchild, also from Los Angeles, California.

Again, let me remind all of our witnesses that your statements will be included in full in the record, and we would ask each of you, if you like, to summarize your statement in three minutes.

And we might proceed, Mr. Cranston. It would be appropriate to start with you.

STATEMENT OF KIM CRANSTON, COMMITTEE FOR CALIFORNIA DESERT NATIONAL PARKS, LOS ANGELES, CA

Mr. **Cranston**. Thank you very much, Mr. Chairman. My name is Kim Cranston. I am chairman of the Committee for California Desert National Parks and I am here today with two members of our committee, Shelley Duvall and Morgan Fairchild, who will present testimony on the California Desert Protection Act of 1987. Thank you.

Senator **Wirth**. Ms. Duvall?

STATEMENT OF SHELLEY DUVALL, PRODUCER/ACTRESS, LOS ANGELES, CA, AND MEMBER, COMMITTEE FOR CALIFORNIA DESERT NATIONAL PARKS

Ms. **Duvall**. My name is Shelley Duvall. I am a resident of Los Angeles, California, where I am a producer and actress and a member of the Committee for California Desert National Parks.

I am grateful for this opportunity to testify on behalf of S. 7, the California Desert Protection Act of 1987, introduced by our Senator, Alan Cranston.

Most importantly I am here because I love the California desert and I want to see it preserved for future generations, before it is too late.

Senator **Wirth**. Ms. Duvall, maybe you could pull the microphone over very close. This is not a high technology microphone.

Ms. **Duvall**. In the past I have spent time in California's deserts, resting, sightseeing, and working on a film. More recently I accompanied Senator Cranston, Kim Cranston, and other members of our committee to several areas this legislation is intended to protect.

One of those areas was the proposed Death Valley National Park. It was a far cry from the scenery depicted in the old television series, "Death Valley Days." It was exceedingly beautiful and serene, truly one of our Nation's most spectacular natural wonders.

We did not travel in covered wagons or in a limousine. We drove on maintained, unpaved roads in an older rented van and pick-up trucks. Believe me, the joy was getting out of the vehicle and not the bumpy ride.

We hiked up one of the peaks of the Last Chance Mountain Range, where you can see the highest and lowest points in the continental United States. We drove past alluvial fans and joshua trees and camped out under the stars at the Eureka Dunes.

I learned about the flora, fauna, and geology of the area, and how they are all interdependent. The concerns of Dr. Warren Hamilton of the United States Geological Survey and our Sierra Club and Wilderness Society companions on the trip startled me.

I had no idea a landscape so rugged was in fact so fragile, or that it could take nature centuries to restore itself from man's abuse.

The United States and the world today are not so vast and sparsely populated that we can afford to use up or destroy our natural resources as carelessly as we have in decades past. Wilderness areas are increasingly scarce and need sufficient protection from overuse and destruction.

I believe that few would oppose this bill if they were aware of the impact that misuse of these precious lands will have if measures are not taken soon to protect them.

Better guidelines are needed to keep these areas for all to use and enjoy, not just some. I hope that the passage of S. 7 will become a cooperative effort by all.

To insure the survival of not only the extraordinary plant and animal life that exists in the desert, but the balance that is so necessary to preserve all forms of life there.

I think that in considering our responsibility with respect to the California desert, we should be guided by the words of President John F. Kennedy, spoken at the dedication ceremony of the National Wildlife Federation Building on April 3, 1961:

> It is our task in our time and in our generation to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours.

Thank you again for this opportunity to testify.

Senator **Wirth**. Thank you very much, Ms. Duvall.

Ms. Fairchild?

STATEMENT OF MORGAN FAIRCHILD, ACTRESS AND MEMBER, COMMITTEE FOR CALIFORNIA DESERT NATIONAL PARKS, LOS ANGELES, CA

Ms. **Fairchild**. Thank you. I would just like to say I am very happy to be here, and I am grateful for the opportunity to testify here.

My name is Morgan Fairchild. I am an actress. I am very interested in the environment. And I am here as a concerned citizen of Los Angeles, California.

Last April I joined some of the other members of our panel and Senator Cranston on a tour of Death Valley, and I have also had extensive visits to the Arizona desert, spent some time in Israel last year, where I was making a movie, and spent a lot of time in the deserts over there.

In my written testimony, I made two principal points, which I would like to summarize here, talking very fast. The first is that, as we all know, environmental life systems are endangered all over the world by species extinction, ozone deterioration, deforestation, and pollution.

The California desert faces its own set of environmentally destructive forces. The desert is an unusual ecosystem, which may have great significance in the long run to our own survival.

Scientists have reported recently that rainfall patterns all over the world have been shifting from dry land at latitudes to more northerly and now wetter areas. This means that worldwide dry lands are getting dryer and there is more desert. This also means that agriculture in temperate areas could be affected disastrously.

Therefore, desert ecosystems, dry land agriculture, and water use are more important than ever before. And Senator Cranston's legislation is also needed to ensure the survival of desert species for research in those directions.

My second point deals with what I call territory responsibility. Man is a territorial animal, just like all the lizards and hawks that are out there in the desert. Now, in nature, animal species respect the territorial rights of each other.

But man, who is not by nature adapted to the harsh environment and is therefore the intruder, is also not known for his great respect for the rights of other species. Man is the only animal capable of a technology that artificially enables him to survive in areas that normally he would find hostile.

But if he chooses to exploit his technology, he must also assume the social responsibility not to disrupt the delicate balance of nature. The survival of man as a species on this planet depends on his ability to fit into nature and not destroy it.

And although the California desert is vast, as we all know, 25 million acres, we are learning that the territorial rights claimed by the miners, the ranchers, the military, the RVers, the park lovers, and other desert users, these claims just seem to be unlimited.

Clearly something has got to give in our collective demands upon the desert. And hopefully give is the right word. We all have got to give something to achieve the territorial rights that we all want, and yet at the same time continue to share it with the species whose natural habitat it is.

I think that we can work that out and I think we are all together in trying to work toward achieving this goal of sharing it responsibly. Thank you.

[The prepared statement of Ms. Fairchild follows:]

STATEMENT OF MORGAN FAIRCHILD
COMMITTEE FOR CALIFORNIA DESERT NATIONAL PARKS
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
IN SUPPORT OF S. 7, THE CALIFORNIA DESERT PROTECTION ACT
July 23, 1987

My name is Morgan Fairchild. I live in Los Angeles, and I am an actress, an environmentalist and a concerned citizen. I am also a member of the Committee for California Desert National Parks which supports Senator Cranston's bill, S. 7, the California Desert Protection Act.

The issues that I would like to talk about today have been interests and concerns of mine for a long time. As a child I dreamed about becoming a paleontologist. That did not happen, but I have maintained a strong interest in science, the environment and human interactions. Because of my interests I have been active in my support of Senator Cranston's desert bill.

The California Desert is a vast place, 25 million acres, that stretches from the High Sierras and Death Valley on the north all the way down to Mexico on the south. The desert is about a fourth of the total area of the state of California, but much of the desert area has already been gobbled up by suburbs, industry and towns. The desert supports a number of diverse activities including five large military reservations, huge surface mining operations, parks, recreation areas, energy sites, camp sites, tourist atractions, off road vehicle areas and a variety of businesses.

Despite its vast size the California Desert is a threatened environment. Scientists tell us that many of the desert ecosystems and species are threatened by encroachment, pollution and abuse.

Many desert organisms need a large area in which to survive in for the simple reason that the resources necessary for life, such as water, are scarce in a desert environment.

Ecosystems contain complex interactions between species and the physical environment. The disturbance of a single species or element within an ecosystem can have dramatic chain effects and ruin the integrity of the ecosystem and all of the species that it contains. Desert ecosystems in particular are noted for being extremely fragile. Ecosystems are thought to have a minimum size that they must maintain to continue to function. The minimum size, however, may be quite large.

The scarcity of the big horn sheep seems to be a product of human pressures and presences. The big horn sheep needs plenty of elbow room. Thus, we need to create and protect wilderness areas and parks of sufficient size to ensure the survival of desert plants and animals. The California Desert Protection Act creates 82 wilderness areas and three national parks to do just that.

Why this concern for survival? Personally, I have reverence and respect for all life, and I think mankind has an ethical responsibility to ensure the survival of the other species with which we share this planet. There are also significant practical reasons for protecting a diversity of species.

Just two weeks ago the Los Angeles Times reported on a study by a team of climatologists at the National Oceanic and Atmospheric Administration research center in Boulder, Colorado. The scientists found that rainfall in the last 40 years has been declining significantly in the worldwide dry lands belt of the Northern Hemisphere. That belt, from five degrees to 35 degrees north of the Equator, includes the California Desert.

The study shows that we need to increase our research efforts in desert and near desert ecosystems. We may need this knowledge soon for the survival of our own species. Obviously, in order to conduct such research, we must preserve the existing ecosystems like the ones contained in the California Desert.

In ancient times much of the Mediterranean and Middle East was forested. Now much of that land is desert. I have been to Israel and seen the amazing results of the intense research by Israeli scientists in adapting their agriculture and water use to desert conditions. Deserts are blooming in Israel, and reforestation is taking place as well.

If our own deserts and dry-land areas expand, as the study I referred to predicts, then we need to be prepared to adjust our agriculture to more dry-land farming and perhaps utilize the desert plants which have already adapted to drought conditions.

Africa, Mexico and other arid regions of the world with rapidly expanding populations can also benefit from our research. The flow of emigrants away from dry and desert lands is causing economic and social problems around the world. Starvation in many areas is so common that it is only reported in the news when it reaches famine proportions. The searing images of the millions of people who are starving in Ethiopia should remind us that starvation is a horrible death and an increasing problem.

Senator Cranston's bill is the first step in the process of preserving the ecological base for dry-land scientific research that is of great significance for the United States and the world.

I hope that through other legislation we can, in the near future, reach the second step: create more and better funded desert research centers in California and other southwestern states.

Research is just one of the many beneficial uses of the desert. I know that many people in this room today are opposed to the Desert Protection Act, largely due to perceived conflicts in the desert's many uses. Conflicts are inevitable in human relations, but conflicts are also solvable through human relations.

As an actress I have spent most of my professional life in dramatic situations which imitate real life. I have become very sensitive to human interaction in a world that is increasingly crowded. The human population is estimated to have just recently reached the five billion mark, and this increasing population brings with it problems of sharing space and resources.

With 12 million acres of California desert available it seems to me that there are enough land resources to share. Miners, ranchers, the military, rockhounds, hunters, hikers, park lovers, ORVers, tourists, businesspeople, scientists and nearby residents can all use the desert.

We do not want to put up real fences, but we do want legal fences to protect the rights and privileges of all who use the desert. I believe that the California Desert Protection Act will achieve a balance so that we all may share in the recreational and other beneficial uses of the desert, now and into the future.

Senator **Wirth**. Thank you very much. Mr. Cranston, do you have any further comments that you would like to make?

Senator **Cranston**. No, I do not.

Senator **Wirth**. Senator Cranston, if you would hold for just a moment. We were focused on the witnesses this afternoon. [Laughter.]

Mr. **Cranston**. Only that I am a third generation Californian and I deeply love that state. And a great deal has been done to protect some of the great natural treasures there, the coastline, the redwood forests.

And now it is a pleasure to have an opportunity to try to bring about the kind of protection of the third great treasure of California, the desert, that this committee is seeking to bring into being. Thank you.

Senator **Wirth**. Senator Cranston?

Senator **Cranston**. I thank the witnesses for their fine testimony.

Senator **Wirth**. Senator Hecht?

Senator **Hecht**. Nothing, Mr. Chairman.

Senator **Wirth**. Thank you all very much for being with us. We greatly appreciate your being here and your comments for the committee.

Our second panel includes a number of witnesses, and I hope that they might at this point come join us at the witness table.

Ms. Marie Brashear, of the California Desert Coalition, Riverside, California, Mr. Donald Fife, Geologist, Non-Renewable Resources Consultant with the National Inholders Association in Tustin, California, Dr. David Hess, California Association of Four-Wheel Drive Clubs in Grand Terrace, California, Mary Beth Keller, from the American Recreation Coalition in Washington, Dr. Loren Lutz, Chairman of the California Desert Conservation Area Advisory Council in Pasadena, and Dr. Kenneth Norris, Professor of Natural History and Environmental Studies, University of California at Santa Cruz.

If you all could join us at the table, I am sure at this point that you are familiar with the rules of the committee, in which we will include your testimony in full in the record and would hope that you will be able to summarize your testimony in three minutes.

Perhaps we could start and proceed in the order suggested by the schedule, and start with Ms. Brashear.

STATEMENT OF MARIE BRASHEAR, EXECUTIVE DIRECTOR, CALIFORNIA DESERT COALITION

Ms. **Brashear**. Thank you, sir. I am here to represent a coalition which is sort of an umbrella organization for organizations who are opposed to this legislation. The organizations represent over 1 million Californians.

We are concerned for a number of reasons. Our first concern is that no one else was consulted when the legislation was drafted. No one. No Federal agencies. No state agencies. No one.

Another concern we have is that the maps are not generally available to the public at a reasonable price. The hundreds of thousands of people, millions of people who are interested in this issue.

They are available either from the Sierra Club at a fee of $85 to $125, or you must pick up the vellums at the Senator's office and take them to a local blueprint shop at a cost of $260 or more.

We are concerned because of this lack of consultation, the various interests within the desert, who share it normally with everyone else, are not represented by the legislation.

To this end, we have begun working on preparing some alternative or substitute kinds of legislation. We are willing to work with this committee's staff to achieve the kind of fairness and responsibility that should be reflected in legislation that affects one quarter of the State of California. Thank you.

[The prepared statement of Ms. Brashear follows:]

STATEMENT OF THE CALIFORNIA DESERT COALITION
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ON S.7 A BILL
"TO PROVIDE FOR THE PROTECTION OF THE PUBLIC LANDS IN THE CALIFORNIA DESERT"
THE HONORABLE DALE BUMPERS, CHAIRMAN

Mr. Chairman and Committee Members:

My name is Marie Brashear. I am the Executive Director of the California Desert Coalition. The Coalition is a broad based, grass roots, umbrella representing over 1 million Californians, united in their efforts to defeat S.7. We appreciate your fairness, in allowing us to testify on a few of the issues raised by S.7.

In 1976 Congress declared the California Desert to be an entire ecosystem. Congress designated one quarter of California (approximately 25.6 million acres) as the "California Desert Conservation Area" and directed that a plan for that area be developed. Congress directed that Secretary Andrus appoint a Committee to provide advice on the development of the plan. In 1980 Secretary Andrus and later Secretary Watt accepted the plan upon its completion. The planing technique utilized by BLM to develop the plan was "advocacy planning".

A valid technique if all interests are represented. However there was no one to represent rockhounds, the family camper, the back country explorer, the hunter, the dune buggy enthusiast, the small miner, etc. Mr. Robert Bodaracco was the lead Recreation

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Presented by H. Marie Brashear, Executive Director of the California Desert Coalition in Washington, D. C. on July 23, 1987.

planner. Ignoring that in the desert everyone is an "off-roader". Mr. Bodaracco expressed the philosophy that, "off-roaders were heavy drinking semi-illiterates". His staff consisted of persons whose recreation experience was made up of specialties in archery and other not so relevant activities.

This was reflected in the finalized plan. With a loss of 50% of vehicle access in the California Desert and a strict zoning which reduced free play areas to less than 500,000 acres. (Some of the 500,000 acres was for large mining and mineral processing sites.) Upon acceptance the Desert Plan by the Advisory Committee, Chairman Bill Lane, publisher of Sunset Magazine, expressed the Committee's attitude toward the recreating public, "You can be glad we left you anything".

In 1979, when it became obvious that the Sierra Club and Wilderness Society would not achieve everything they wished in the Desert Plan, the two groups began to circulate an alternative which, with a few changes, is almost identical to S.7. After the release of the draft Desert Plan the National Outdoor Coalition proposed an alternative which reflected the needs of not only recreation; but all others who felt left out of the planning process. When the final Desert Plan surfaced, it reflected a position somewhere between the "BLM Balanced Alternative and the Sierra Club Alternative.

With plan development behind us. The many and varied groups and interests represented by CDC went to work to within the processes provided by the plan. All of us including the Sierra

Club, Desert Protective Council and others, worked together to develop the route designation process and the management philosophy statement for the East Mojave National Scenic Area.

With this as background, on February 6, 1986 Senator Cranston introduced the "California Desert Protection Act." **A few individuals** who hadn't achieved their desires in the planning process, and who had failed time and time again in court, drafted maps and a concept and Senator Cranston responded.

> They **did not consult the National Park Service.** They did not consult the **Department of Defense.** They did not consult with any agency of the **State of California.** They did not consult with **any county, city or special district.** They did not consult with any of the **interests impacted by their legislation.** These few individuals decided they knew best and decided to impose their will upon the rest of society.

We submit that upon introduction of the bill in 1986 we and others, had to purchase the maps which represent the official position of this legislation, from the Sierra Club. In fact were referred to the Sierra Club by Senator Cranston's staff to do so. The fees paid varied from $85.00 to $125.00.

We submit that in 1987 we had to have someone in Washington, D. C. pick up 128 vellums from Senator Cranston, take them to a local blueprint shop for printing at a cost of $265.00 and then return the vellums to Senator Cranston and mail the finished product to us.

We submit that this is unfair to the many thousands of Americans who care, what happens in the California Desert.

It is unfortunate that the maps are drawn in such a way that the entire set (128 pages) is required to understand the whole picture. For example, a vehicle access way which is to be the boundary of a proposed wilderness and seems open to the public on one map, is then used as the boundary of an adjoining proposed wilderness and is drawn on the far side of the access way and the road is in fact closed to the public.

In the interest of fairness, we urge the Committee ensure that prior to additional hearings on this bill, maps be published and made available to: 1)the thousands of citizens who commented on the Desert Plan and 2) those who are affected: land owners, residents, mining claimants, rights of way holders, lessees, permittees, federal departments and agencies, the States of California, Arizona and Nevada, counties, cities and special districts, business persons and recreaionists.

It is unfortunate the proposed wilderness and parks were drawn on old U.S.G.S. maps, (maps in many instances no longer available) rather than utilizing current, up-to-date ones. Maps which show additional vehicle access ways, structures, residences and mines.

We urge the Committee ensure the maps used for the legislative process be the new, up-to-date maps available from the U.S.G.S.

We urge the Committee to consider the fate of wildlife dependent upon man improved and man made water sources which could not be constructed, maintained or water carried to them in times of drought.

We urge the Committee to consider the Colorado legal action brought by the Sierra Club which will impact desert water rights.

We urge the Committee to consider the needs of older Americans who will soon make-up 45% of our population and who spend significant amount of their retirement camping on our public lands.

We urge your consideration of the impacts to national security from loss of the military's ability to accomplish low level test and training flights which will be curtailed by the passage of S.7.

We urge your consideration of the impact to many of the adjoining gunnery and bombing ranges from adjoining wilderness and/or national park designation.

$1.2 billion of non-fuel mineral was produced last year in the California Desert. This resulted in over $10 billion in finished product. The $10 billion represents, jobs in transportation, processing and manufacturing. The proponents have suggested these minerals be imported from elsewhere. The elsewhere in most instances South Africa, the Peoples Republic of China, and the Union of Soviet Socialist Republics. The proponents are asking the Committee to exchange service jobs (waiter, maid, etc.) at $3.50 per hour for jobs which are currently paying $8.00 to $27.00 per hour.

Recreation and tourism is a multi-billion dollar business in

California, creating jobs in manufacturing, sales and service. Visitors to the California Desert's wildlands spend hundreds of millions of dollars annually in and near the desert.

S.7 will eliminate over half of current visitor day use which the proponents claim will be made up by and additional 2 million new visitors to the parks created by the bill.

S.7 creates a process which will eliminate over one half of the mining claims in the California.

S.7 will eliminate approximately 70 percent of the cattle ranching in the California Desert.

S.7 eliminates opportunities for continued development of known geothermal fields (a clean source of power) and exploration for new fields.

S.7 eliminates the ability of utility providers to serve the future needs of Southern California.

e urge the Committee to consider the economic impact of placing 7,501,265 acres of the BLM administered California Desert in to Wilderness or new National Park status.

We urge the Committee to consider the economic impact of placing and additional 135,815 acres of Forest Service, 11,140 acres of Fish and Wildlife Service lands, 14,780 acres of BLM Yuma District (CA) and 155,900 acres of BLM Bakersfield District lands into Wilderness.

The designation of the "Desert Lily Sanctuary" by S.7 is likely the only action which should not cost the taxpayers additional monies. It is currently designated by BLM as an Area of

Critical Environmental Concern and is fenced and signed. It is not rare nor is it threatened or endangered by anything.

We urge the Committee to consider the cost of implementing the S.7, when to accomplish just acquisition of the "Indian Canyons National Historic Site," it will cost $11,025,000 (low) to $26,950,000 (high) to acquire 490 acres. 490 acres which contain not one of the historic canyons.

We urge the Committee to consider the cost of implementing S.7 with respect to the increased National Monuments converted to National Parks.

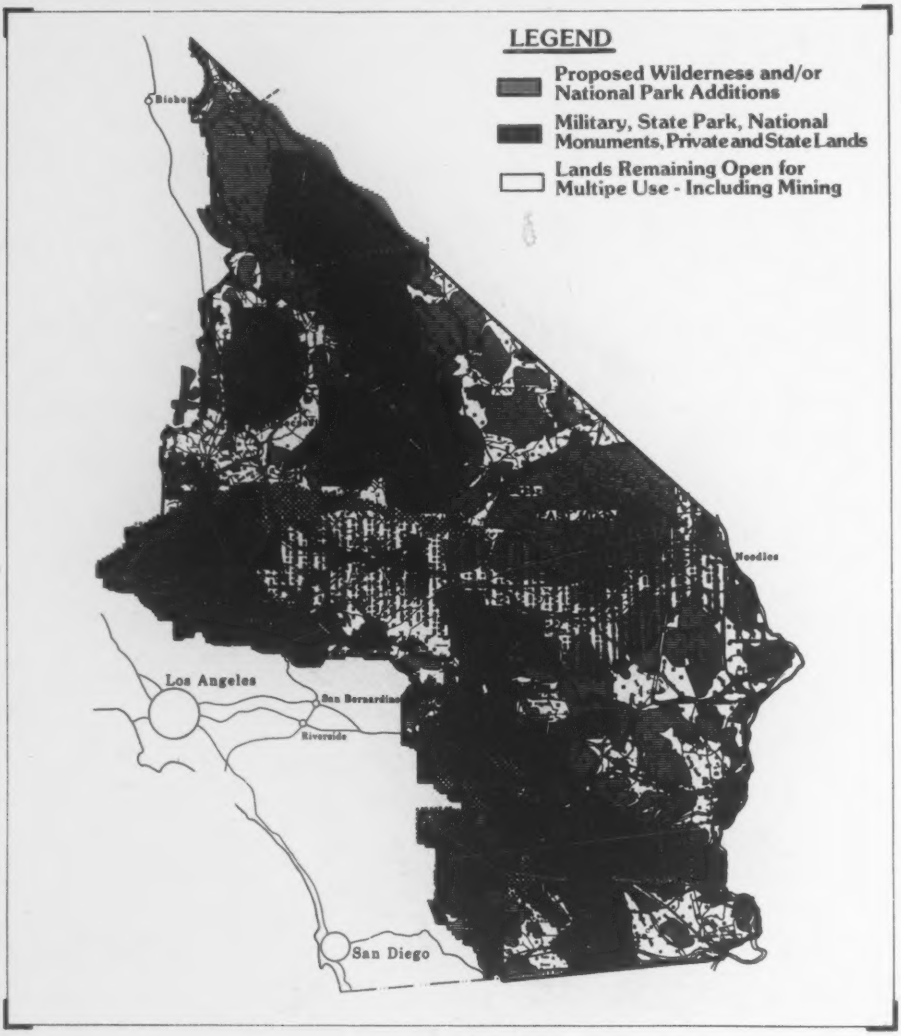
We urge the Committee to consider the fact that current fiscal needs of existing National Parks and Monuments are not being met.

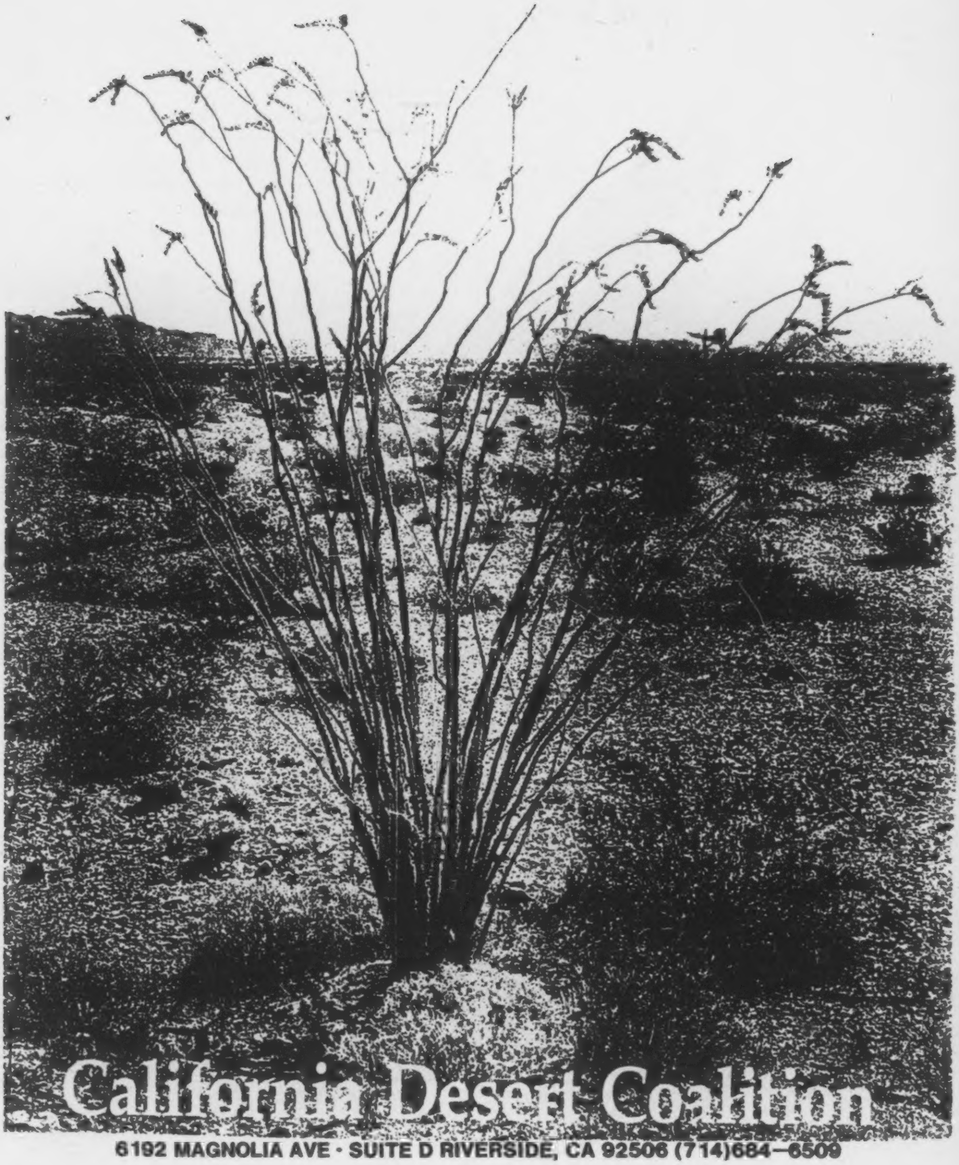
We urge the Committee to consider the cost of implementing S.7 with respect to the proposed new Mojave National Park which would have, two almost primitive, campgrounds. No headquarters and hundreds of thousands of acres of private and state lands.

We urge the Committee to consider whether this bill is needed with 3,367,000 acres of the 25,663,000 acre California Desert is today federally administered or State of California managed as wilderness.

In conclusion, Mr. Chairman, the actions of this committee will determine whether the public will continue to share responsibility for the public lands. To this end, should the Committee decide to continue the present process, we request additional hearings of sufficient number and duration be held in and near the California Desert after sufficient quantities of new maps have been made available to the public.

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA BILLS NO. S-7 and H.R.-371


LEGEND
▨ Proposed Wilderness and/or National Park Additions
■ Military, State Park, National Monuments, Private and State Lands
☐ Lands Remaining Open for Multipe Use - Including Mining
Bishop
Needles
Los Angeles
San Bernardino
Riverside
San Diego


California Desert Coalition

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OPPOSING S.7

STATE OF CALIFORNIA

- California Resources Agency
  - California Fish and Game Commission
  - California Board of Mining & Geology
  - California Board of Forestry

COUNTIES:

- Amador County
- Calaveras County
- Del Norte County
- El Dorado County
- Imperial County
- Mono County
- Nevada County
- San Bernardino County
- Sierra County
- Siskiyou County
- Sutter County
- Tehama County
- Tulare County
- Yuba County
  - Regional Council of Rural Counties
  - Southern California Regional Association of Supervisors

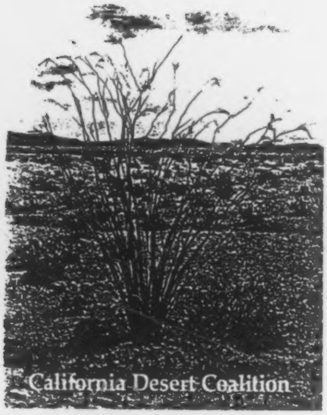
DESERT CITIES:

- City of Adelanto
- City of Barstow
- City of Blythe
- City of Needles
- City of Victorville

OTHERS:

- Imperial Irrigation District
- Coachella Water District
- California Wildlife Federation
- Society for the Conservation of Big Horn Sheep
- Southern Council of Conservation Clubs
- Society for the Care and Protection of Wildlife
- National Outdoor Coalition
- National Rifle Association
- National Advisory Board - BLM
- National Inholders Association
- National Off Road Bicycling Association
- California Outdoor Recreation League
- California Chamber of Commerce
- California Cattlemen's Association
- California Farm Bureau Federation
- California Rifle and Pistol Association
- California Federation of Mineralogical Societies
- California All Terrain Vehicle Association
- California Association of 4-Wheel Drive Clubs
- California Off-Road Vehicle Association
- California Racing Club
- California Desert Conservation Area Advisory Council/BLM
- California Mining Association
- Bakersfield Advisory Committee/BLM
- Geothermal Resources Council
- Baker Chamber of Commerce
- Barstow Chamber of Commerce
- Blythe Chamber of Commerce
- El Centro Chamber of Commerce
- Needles Chamber of Commerce
- Ridgecrest Chamber of Commerce
- Associated Blazers of California
- Arizona Outdoor Coalition
- Arizona Desert Racing Association
- Arizona 4-Wheel Drive Association
- Nevada Prospectors and Miners Association
- Nevadan's for a Practical Wilderness Policy
- Nevada Public Land Users Alliance
  - Nevada Off Highway Users Coalition
- Public Land Users Alliance
- United Mobile Sports Fishermen
- Antelope Valley Press
- Amargosa News
- World of Rockhounds Association
- American Motorcyclist Association
- AMA - District 36
- AMA - District 37
- AMA - District 38
- American All Terrain Vehicle Association
- Baker Valley News
- American Recreation Coalition
- Dave Shoppe Racing Team
- Friends of the California Desert
- Friends of the Mojave Road
- Society for Range Management
- Bakersfield Californian
- Committee to Preserve Desert Access
- High Desert Cattlemen's Association
- High Desert Multiple Use Coalition
- High Desert Racing Association
- Hi-Torque Publications
- Walker Evans Racing Team
- Western Oil and Gas Association

Western Mining Council
WMC - Los Angeles Chapter
WMC - Orange County Chapter
Phantom Duck Club
Peterson Publications
Pro Desert Coalition
Racing Association of Competitive Events
Dusty Times
Valley Prospectors
United Mining Councils of America
Barstow Development Corporation
Micky Thompson Entertainment Group
Motorcycle Industry Council
Off-Road America
San Diego Off Road Coalition
United 4-Wheel Drive Association
Nipton Nugget
Orange County 49'ers
SCORE International
Cycle News
Simpson and Lewis Racing Team
Special Vehicle Institute of America
ATV News
Specialty Equipment Marketing Association
Stadium Motorsports Corporation
Off-Road Advertiser
Western Timber Association
Newberry Property Owners Association
Valley Inquirer
Los Pretot's Desert Club
Kennedy Meadows Property Owners Association
Good Sam Club
Family Motor Coach Owners Association



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ACREAGE FIGURES CALIFORNIA DESERT

There are approximately **25,663,000 acres** which comprise the **California Desert.**

7,400,000 acres are private, state, or other government.

3,100,000 acres are withdrawn for military use.

1,957,000 acres are withdrawn for Death Valley National Monument.
1.9 million acres of DVNM are Park Service administered for wilderness.

560,000 acres are withdrawn for **Joshua Tree National Monument.**
467,000 acres of JTNM are Park Service Designated Wilderness

****700,000 acres** are withdrawn for **Red Rock Canyon** and **Anza-Borego Desert State Parks - Mitchell Caverns** and **Picacho State Recreation Areas.**
400,000 acres of these state land are managed as state wilderness.

11,846,000 acres are managed by the **Bureau of Land Management.**
600,000 acres of these BLM lands are administratively managed as wilderness.

NOTE: The S.7 process begins with **3,367,000 acres of the California Desert** federally administered or State of California designated as **wilderness.**

California Desert Coalition
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S. 7 & H.R. 371 PROPOSE

6,493,565 acres of the 11,846,000 acres of BLM administered California Desert lands be, Congressionally designated as **Wilderness.**

*1,240,600 **acres** of the proposed wilderness lands are located within, proposed additions to the proposed Death Valley National Park. The proposed additions total 1,292,380 and will be taken from BLM administered lands.

133,520 **acres of the proposed wilderness lands are located within proposed additions to the proposed Joshua Tree National Park. The proposed additions total 245,000 acres and will be taken from BLM administered lands.

*784,000 acres are located within the proposed Mojave National Park. The proposed park totals 1,608,000 acres and will be taken from BLM administered lands.

43,700 **acres of BLM administered land, not meeting the criteria of the 1964 Wilderness Act will be designated as a wilderness study area. (Wilderness review to be conducted by Dept. of Agriculture, land to be retained by BLM.)

4,069,055 **acres of land remaining under BLM Desert District, California administered will be Wilderness.

14,780 **acres** of lands in the California Desert administered by the **Yuma, Arizona District BLM** will be designated **Wilderness.**

155,900 **acres** of lands adjoining the California Desert administered by the **Bakersfield, California District BLM** will be designated **Wilderness.**

11,140 acres of lands adjoining the California Desert administered by the **U. S. Fish and Wildlife Service** will be designated **Wilderness.**

135,815 acres of lands adjoining or near the California Desert administered by the **U. S. Forest Service** will be designated **Wilderness.** (NOTE: Most of this acreage was released from wilderness consideration for 15 years as part of the 1984 Cranston/Wilson forest wilderness compromise.)

1.9 million acres currently recommended by the National Park Service in Death Valley National Monument be Congressionally designated as **Wilderness.**

3,145,080 acres be **transferred** to the **National Park Service** from BLM administration. (2,158,120 acres proposed for wilderness - see above and 987,260 acres not proposed for wilderness - see below.)

> **51,780 acres of BLM administered land,** together with the proposed wilderness above (Total NPS Addition Proposed: **1,292.380 acres) to be **added** to **Death Valley National Monument.**
>
> **111,480 acres of BLM administered land,** together with the proposed wilderness above (Total NPS Addition Proposed: ** 245,000 acres) to be **added** to **Joshua Tree National Monument.**
>
> **824,000 acres of BLM administered land,** together with the proposed wilderness above (Total NPS Proposed: *1,608,000 acres) to be designated as the **new Mojave National Park.**

10,165,380 acres become **instant wilderness** or **instant** additions to **National Park Service inventory.** (The 150,000 non-wilderness acres currently within Death Valley and Joshua Tree National Monuments are not included within the above 10,165,380 acres.)

20,500 acres of BLM administered land to **added to Red Rock Canyon State Park.**

A name change for the currently fenced and unthreatened, **1,920 acre, BLM Desert Lily Area of Critical Environmental Concern** to the "Desert Lily Sanctuary". BLM would continue to manage as now.

Designates **490 acres** of bajada (alluvial fan) below Indian Canyons as the **Indian Canyons National Historic Site.** Acquisition is provided for through purchase or exchange or combination thereof. (NOTE: **DOES NOT** designate the beautiful and historic Indian Canyons as anything). Title after acquisition will remain with the Interior Department. Management of lands is given to Agua Caliente Band of Indians. (**Cost** to acquire the 490 acres will range from **$11,025,000** on the low side, **to $26,950,000** on the high side, either in monies, BLM lands or a combination thereof).

Authorizes feasibility of utilizing Kelso Depot as proposed Mojave NPS headquarters. If not feasible authorizes construction of headquarters facility.

Directs BLM to accomplish trade out for all State of California lands within two years. (Approximately .5 million acres with both surface and sub-surface rights and .5 million with sub-surface rights) Selection list must be completed and presented to State of California within 6 months.

Directs the BLM to make its priority the acquisition of the private lands within all proposed wilderness and National Parks designated. (Approximately 500,000 acres.)

Miscellaneous other provisions.

[*] Sierra Club Maps provided Senator Cranston for S.7.

[**] Sierra Club Press Briefing Package

Inyo REGISTER 6-14-87

Cranston bill may hinder military desert operations

by Linda Katzenstein

BISHOP — Military officials are concerned that Sen. Alan Cranston's California desert protection proposal will curtail some military operations in the desert.

China Lake Naval Weapons Center has taken the lead in researching the proposal, which also concerns Fort Irwin, Edwards and George Air Force Bases and a few other bases in the southern end of the California desert.

Cmdr. Steve Glidden, who serves as a liaison between the Navy and the Federal Aviation Administration, explained that if Cranston's proposal is passed and areas of the desert are classified as wilderness or national park lands, the altitude levels allowed for military tests and training flights over those lands may be restricted.

"We have gone on record that we will not fly at less than 3,000 feet over national park or wilderness areas," Glidden said. "If the Cranston bill were passed and we were forced to live by that policy in newly-expanded areas in the California desert, it could affect our ability to train."

Glidden said military officials hope that existing flight paths would be maintained if the bill were passed.

"We hope we would be grandfathered into the bill," Glidden said. "That would allow us to continue to fly on established flight paths."

Glidden explained that flight paths have been maintained in other areas with national park or wilderness designations.

"We made the policy for areas such as Sequoia National Park, Kings Canyon National Park, Yosemite, Death Valley, and the Grand Canyon," Glidden said. "We made the policy, but it is now regulated by the FAA.

"We do have some low-level training routes that go through those areas," Glidden continued. "We were protected because those routes were there before congressional regulations were passed making them wilderness areas.

"With the Cranston proposal, it's hard to say what will happen because the environmentalists have put on so much pressure through lobbying," he explained. "I would hope we would win, that we would be grandfathered in."

The desert air space is utilized by several branches of the military, including the army, air force, navy and marines, Glidden said.

"China Lake has taken the lead in this issue," Glidden said. "They were the first to find out about the Cranston Bill. They've taken the lead for the Navy in researching what will be done under the bill and keeping up with developments in Washington."

Glidden said altitude levels vary for military training and test flights flown over the desert.

"We don't have any requirements to fly at certain altitudes," Glidden said. "It depends on the mission and what we are trying to accomplish. We usually just need to fly low and flat. If more areas are to remain pristine because of environmental concerns, that will force us to have less places to fly."

(Continued on page 3)

Cranston bill

IR. 6-14-87

(Continued from page 1)

Representatives from military bases in the desert which would be affected by the proposal have compiled reports on how the legislation would affect military operations in the desert, Glidden explained. The information will be consolidated and presented to the Office of Legislative Affairs for the Navy and Marines Corps.

Glidden said that congressional staffers came to China Lake to be briefed on military concerns, and that negotiations will be conducted in Washington.

"Sen. Cranston is on his own on this one," Glidden said, adding that Sen. Pete Wilson does not support the proposal. "We don't know if he designed this as a vote-getter or if his heart is in it."

If the bill were passed, Death Valley National Monument would be upgraded to National Park status, and its boundaries would be expanded by adding 1.3 million acres of land now administered by the Bureau of Land Management, bringing the monument's total to 3.4 million acres.

In addition, about 853,000 acres in Inyo County would be classified as wilderness, a proposal which has been opposed by the Inyo County Board of Supervisors.

MAY 15, 1987 50 cents per copy

Cranston's Wilderness Bill Threatens State's Hunting

By Gary Amo

A continuing threat to California hunters and shooters is found in such proposed legislation as Senate Bill 7, the California Protection Act, introduced by Senator Alan Cranston.

This bill would transform public lands into the National Wilderness System or the National Parks System.

California Congressmen Richard Lehman and Mel Levine have introduced similar bills in the House of Representatives. Lehman's bill is H.R. 361, while Levine's bill is H.R. 371.

The primary concern these Wilderness Acts pose for hunters and shooters is the severe regulations which abolish and restrict access to shooting and hunting in areas under the National Wilderness System or the National Park System.

"Senate Bill 7 would increase the area of Wilderness or National Park status by more than 12.1 million acres of public land now open to hunters and shooters," CRPA Legislative Advocate Kent DeChambeau said.

Anti-Gun, Anti-Hunting

"The anti-hunter's desire for more wilderness areas is simply to stop hunting. At the same time, anti-gunners use wilderness areas as a means to stop the use of firearms. The thrust for more and more wilderness is a direct attack on all hunters and shooters.

"Not only must we stop the imposition of new wilderness areas, but we must re-examine the regulations and policies of the federal and state agencies administering existing areas.

"I have personally expressed CRPA's opposition to the expansion of wilderness areas in the California desert to Secretary of the Interior Donald Hodel," DeChambeau pointed out.

According to James Woodworth of the Bureau of Land Management, there are more than 16 million visitor-use-days spent in the desert that would be affected by the proposed legislation. In 1977, it was estimated that 12 per cent of the desert users were engaged in hunting/shooting.

Hardships for Hunters

Woodworth has written that the impacts of the Cranston bill "will undoubtedly change existing recreation use patterns in the Desert to create hardship for hunters and other recreationists by requiring longer driving times and higher concentrations of users in fewer areas. This will probably decrease the quality of the recreation experience for hunters and other similar users."

Wilderness areas were a key topic of discussion and action during the recent NRA Annual Meetings in both the Hunting, Wildlife, and Conservation Committee and the Board of Directors.

NRA Director Richard DeChambeau, a member of the CRPA Executive Committee and Chairman of the CRPA Hunting, Wildlife, and Conservation Committee, played a key role in implementing a strong policy resolution by the NRA Board of Directors.

NRA Resolution

The NRA Resolution reads:

"WHEREAS, lawful hunting has been significantly curtailed by certain unreasonable regulations adopted as a result of the expansion of the National Wilderness System and National Park System; and

"WHEREAS, these arbitrary and capricious regulations in fact do not promote the interests of wildlife conservation or the responsible public enjoyment of wilderness land, contrary to the intent of Congress; and

"WHEREAS, the National Rifle Association of America in the fulfillment of its purposes to promote hunting and the conservation and wise use of our renewable wildlife resources has become increasingly concerned with this abridgement of the rights of law-abiding citizens; now

"THEREFORE BE IT RESOLVED, that the National Rifle Association of America opposes any further expansion of the National Wilderness System and National Park System in implementing regulations

Continued on Page 8

Cranston Continued from Pag

which do not adequately recognize and preserve existing hunting accesses and wildlife management opportunities; and

Restoration of Access

"BE IT FURTHER RESOLVED, that the National Rifle Association of America supports the restoration of hunting accesses and sound wildlife management practices in such areas where they have been improperly curtailed."

Richard DeChambeau has also worked closely with the Wilderness Impact Foundation to generate the data necessary to support the NRA resolution.

"This puts Congress on notice that the NRA and its state affiliates like the CRPA will oppose any further wilderness area expansions which do not contain provisions for hunting access and sound game-management techniques," Richard DeChambeau said.

"Wilderness areas by definition do not allow the Fish and Game Department to use mechanized equipment or modern tools for wildlife management.

The Cranston bill would affect a majority of the desert area in California which contains some of the prime hunting land for deer, big horn sheep, and an abundance of small game and birds such as rabbit, dove, quail, and chukkar. The desert area also contains some of the prime recreational shooting land for Southern California.

190 Million Acres

The Wilderness Impact Research Foundation was established to conduct research on the more than 190 million acres designated or proposed to be designated for wilderness areas.

The Foundation will conduct the oversight that Congress has failed to do since the Wilderness Act was passed in 1964.

The Foundation's brochure explains that "The preservationist movement has extolled the virtues of wilderness without explaining the national costs nor the individual problems often associated with wilderness."

The Foundation's research program will help to fill the void of information about the impact of wilderness area designations on society.

"Past wilderness decisions have primarily been based upon emotional arguments rather than sound technical information. As a result, conclusive information on the impact of existing, proposed, and future wilderness is lacking."

Still, nearly every Western state has one or more bills introduced in the state legislature or in the Congress to increase the amount of land covered by the wilderness designation.

California already has a California Desert Plan managed by the Bureau of Land Management.

THE FIRING LINE
OFFICIAL PUBLICATION OF THE CALIFORNIA RIFLE & PISTOL ASSOCIATION, INC
lume X, Number 5, Copyright® 1987 MAY 15, 1987 50 cents p

PROVIDED BY:

CALIFORNIA · DESERT · COALITION

"Ed Hastey, BLM's California State Director, has written that "The California Desert Plan, as it is presently managed by the BLM, offers all Californians a balanced public use program for full enjoyment of all the desert resources—recreational, scenic, mineral, or botanical . . . We agree the desert is a fragile place deserving much care, but the plan and the staff are already in place."

THE NATIONAL
RIFLE ASSOCIATION
OF AMERICA

Resolution

E PLURIBUS
UNUM

WHEREAS, Lawful hunting has been significantly curtailed by certain unreasonable regulations adopted as a result of the expansion of the National Wilderness System and National Park System; and

WHEREAS, These arbitrary and capricious regulations in fact do not promote the interests of wildlife conservation or the responsible public enjoyment of wilderness lands, contrary to the intent of Congress; and

WHEREAS, The National Rifle Association of America in fulfillment of its purposes to promote hunting and the conservation and wise use of our renewable wildlife resources has become increasingly concerned with this abridgement of the rights of law-abiding citizens; now, therefore, be it

RESOLVED, That the National Rifle Association of America opposes any further expansion of the National Wilderness System and National Park System and implementing regulations that do not adequately recognize and preserve existing hunting access and opportunities; and, be it further

RESOLVED, That the National Rifle Association of America supports the restoration of hunting access and sound wildlife management practices in such areas where they have been improperly curtailed.

Attest:

Warren L. Cheek
Secretary

Passed by the Board of Directors of the National Rifle Association of America (1600 Rhode Island Avenue, N.W., Washington, D.C. 20036), in meeting assembled this 27th day of April, 1987, in Reno, Nevada.

California Desert Coalition

6192 MAGNOLIA AVE - SUITE D RIVERSIDE, CA 92506 (714)684-6509

Sierra Club vs. Bicyclers

It's early morning on a deserted wilderness trail. The forest is damp and misty green, full of shimmering cobwebs and wandering rays of sunshine. The only sounds are the crunch of acorns underfoot and the hectic gossip of the chipmunks.

Then, suddenly, this peacefulness is shattered by a cracking of twigs, and from atop the ridge comes a pack of off-road bicyclists, whooping and weaving as they descend. With a shower of pine needles and a peppering of gravel, they careen by and disappear down the trail. The rumble of their tires and whine of their freewheels is replaced by the thump of your heart. - **Bicycling** magazine, March 1986.

* * * *

The Sierra Club is now attacking an old ally - The National Off-Road Bicycle Association (NORBA). The March 1986 article laments the attitude of Sierra Clubbers and a 14-0 vote by the club's board of directors to include all-terrain bikes among its list of off-road vehicles prohibited in wilderness areas. The magazine says, "This puts bicycles in the same terroristic category as motorbikes and dune buggies...."

Typifying the Sierra Club's elitist attitude, the club's conservation director, Douglas Scott, explained:

"When I'm in a wilderness area with my family, I'm there for a particular experience that isn't compatible with seeing people on mountain bikes. It's not that they're obnoxious or behaving badly. **It's just they're introducing different kinds of uses that interfere with my encounter.**"

The National Off-Road Bicycle Association is reacting with anger to this latest Sierra Club attempt for exclusive dominion over wilderness sites.

NORBA Executive Director Glenn Odell termed it **"anincredulous betrayal"** from a group with whom cyclists have traditionally been aligned.

In Odell's opinion, wilderness areas are often the most beautiful and tempting lands to explore. He acknowledges the importance of protecting such a fragile environment, but argues that bicycles have a rich history of wilderness exploration, cause less trail damage than horses (which are permitted on wilderness trails), and also contradict the fundamental definition of mechanical transport, that of being driven by a "nonliving" power source.

In a letter of protest to senators, representatives and forest service officials, Odell argued:

"Like the snowshoer, or the cross-country skiier, or even the equestrian, the bicyclist is merely a hiker with a physical advantage over his environment. All these sanctioned wilderness uses have certain 'mechanical' characteristics. Just as the bicycle does - even the horse with shoes, saddle and bridle."

Odell concluded: "The hikers must be willing to share. To fragment the trail family would be a tragic waste. Although they may be winning, it's a costly victory for the environment to follow such a short-sighted and selfish agenda.

From Nevada Mining Assn. Bulletin.

JULY 13, 1987

LEGISLATION: FEDERAL: S. 7 CALIFORNIA DESERT PROTECTION ACT OF 1987: OPPOSE:

Chairman Joyner states he requested placement of pending federal legislation S.7, the proposed California Desert Protection Act of 1987 on the agenda to seek Board support in opposition to this sweeping desert legislation.

He states S. 7 affects public lands and much private land within the First Supervisorial District; the great majority of agencies and organizations in the desert adamantly oppose the bill.

He states a position is to be taken only on that portion within the County boundaries, as the bill imposes significant constraints on land uses and users and it is extremely important to protect mining interests, not only for the County economy but for the American society in general.

He states this bill creates a major displacement of the Bureau of Land Management's role in desert management; one that has greatly improved in the past years; BLM and the County have a unique and constructive working relationship.

He recommends opposition to the formation of the East Mojave National Park as the current designation of "National Scenic Area" is more in keeping with land ownership patterns and maintenance of its particular, unique character; one that would be altered significantly by the more structured National Park status. He states BLM has given this area priority and there is no indication the National Park Service would consider it a priority matter.

He states BLM has prepared a Draft East Mjoave Scenic Area Management Plan which is currently being reviewed and seems to be weighted heavily toward protection; County staff is working with BLM staff in adjusting the County General Plan and policies to better manage resources on private lands within the Plan area so as not to prejudice BLM's protection options.

Chairman Joyner states he has been in contact with Congressman Lewis and they have agreed to work together to negotiate a package supported by a greater consensus, via the existing BLM planning process; support is being given to his efforts to budget more rangers to better implement the plan.

He states there seems to be no real value in redesignating the portion of Death Valley National Monument within the County to park status; it would increase displacement of mining rights originally intended to be incorporated into monument management.

MINUTES OF THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA

JULY 13, 1987

LEGISLATION: FEDERAL: S. 7: (continued)

He states he perhaps could support the redesignation of the Joshua Tree National Monument to a National Park, but would not support any substantial additions to the boundaries, however, he would want to confer with advisors and Riverside County before finalizing such a position.

He states support could be given to a few of the Bill's proposed wilderness areas, but there would have to be an opportunity to work with miners and recreationists to define conflicts and negotiate on some boundaries.

He recommends a position of basically opposing S. 7, but maintain the position as being willing to work with all parties to keep the best of what exists and incorporate the most acceptable of what is proposed.

He states petitions have been received from the Barstow area with approximately 2500 signatures opposing the National Park status for the East Mojave Scenic Area; resolutions expressing the same sentiment have also been received from the Cities of Victorville, Barstow and Needles.

Supervisors Mikels, Riordan and Hammock indicate support of Chairman Joyner's position.

Supervisor Walker states he is concerned support of this position may be interpreted as total opposition to the act and it may be amended to make it acceptable.

On motion by Supervisor Joyner, seconded by Supervisor Mikels and carried, the Board of Supervisors indicates a basic position of opposition to S. 7 but a willingness to cooperate with all parties to reach an acceptable solution.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: Mikels, Riordan, Hammock, Joyner

NOES: None

ABSENT: None

ABSTAIN: Walker

* * * * * *

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO } ss.

I, MARTHA M. SCUDDER, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by said Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of July 13, 1987

7/15/87 es #55

cc: Supv. Joyner
Govt. Relations
File

MARTHA M. SCUDDER
Clerk of the Board
By Earlene Sprout
Deputy

14-[illegible]-102 Rev. 3/87

PAGE 4
JULY 15, 1987 MOUNTAINEER-PROGRESS

OPINION

...Yours and Ours

The desert for us all

There exists in this country, and more specifically our state, a group of folks that can be best described as "hilltop liberals."

When the latest cause surfaces, they leave for the moment their creature comforts and grovel with the masses, singing protest songs, holding undernourished minority babies, even donning safari gear to stand on desert outcroppings, *before* heading back to their pushbutton, air conditioned world.

Darling of the Beverly Hills/San Francisco block of monied "relevants" is California's senior U.S. Senator, Alan Cranston. His latest project to save us from ourselves is the Desert Protective Act, Senate Bill 7.

Simply put, SB 7 would establish three national parks at a total of over 5 million acres *and* another 8 plus million acres set aside as a "wilderness" between the Tri–Community Area and the Colorado River.

The Bureau of Land Management (BLM) has spend millions and years developing a carefully balanced multiple use plan, recognizing that mining, grazing, rockhounding, preservation and off-road vehicle use have a place on the California and Nevada desert.

If we let SB 7 slip through the Congress, the California deserts will be locked up, to look at but certainly not to touch. Natural change will take place and we can all marvel that mother nature takes a toll at about the same tempo, whether there is a human influence or not.

Our California desert is one of the most highly mineralized pieces of real estate in the United States and that includes Alaska, this according to BLM studies. Of the $2.2 billion worth of non-fuel minerals that California produced in 1985, $1.2 billion came from the California desert.

From a national "viability," we need this natural resource. A spin-off to our health as a nation, free from dependency of foreign natural resources, is the economic good that comes from our California desert.

We will continue to win, laborers, recreationists, the private mining industry, agriculture *and* the environmentalists, if we follow through with the BLM managed California Desert Conservation Area plan. A multiple use is the only way for the Mojave Desert.

We urge our readers to contact Senator Dale Bumpers, Vice Chairman, Senate Energy and Natural Resources Committee, Room 229 Dirksen Senate Office Building, Washington, D.C. 20510. The Senator is holding hearings on July 21 and 23 and needs to hear from westerners who favor a multiple use of our deserts.

The word around Washington is that Californians support turning our California desert into a national park. Tell Washington that we want our tax dollars spent more wisely then the ill conceived SB 7, tell them that we would like just proper allocation of funds so that the BLM can manage our desert lands for the good of us all.

Tom Pinard

A-4—Daily Press, Victorville, Calif.—Wednesday, July 15, 1987

OUR OPINION

Almost unanimous

The San Bernardino County Board of Supervisors voted Monday to oppose Sen. Alan Cranston's California Desert Protection Act.

In doing so, they've joined the city councils of Adelanto, Victorville and Barstow; the Bureau of Land Management; various cattlemen's, mining and off-road vehicle groups; Rep. Jerry Lewis and state assemblymen Chuck Bader and Bill Leonard; and the *Daily Press*, to name just a few.

In fact, opposition to Cranston's bill is almost unanimous among the groups, agencies and factions located in the desert or with a direct interest in the desert.

So who's for the bill? Well, there's Cranston, the Sierra Club, the Wilderness Society and several other environmental groups, most of them Northern California-based organizations devoted to liberal ideals and dedicated to the proposition that big government is better.

The Cranston bill, if anything, would create a mighty big bureaucracy in the Mojave Desert. Among other things, it would:

- create more than 9 million acres of national parks and wilderness areas;
- change two national monuments — Death Valley and Joshua Tree — to national parks;
- create an East Mojave National Park near Baker; and,
- organize 3.9 million acres of wilderness into three park systems.

You've probably noticed that the groups opposing the Cranston bill don't always agree with each other. But they've all agreed to oppose the Cranston bill, for many different reason.

For us, it's a matter of preferring the lesser of two bureaucracies.

The Cranston bill would take the management of millions of acres away from the Bureau of Land Management — which has done the job for many decades — and hand it over to the National Park Service — which has never had to deal with the desert and hasn't expressed a keen desire to do so.

The BLM has spent $8 million and the past several years putting together a desert management plan. No doubt, there's been some wasted time, effort and money in this process. On the other hand, the plan just might contain a few kernels of wisdom, and it's now just about ready to be put into effect.

But the Cranston bill would toss the entire BLM plan into the dumpster and attempt to create an entirely new desert management system out of thin air.

To us, that just doesn't make sense. If Cranston is convinced that the National Park Service should be in charge of the desert, he should have spoken up about 10 years ago, before the BLM spent the $8 million.

In other words, Cranston should show a bit more respect for the taxpayers' money. As long as the money has already been spent, the BLM plan should at least be given a chance to work.

There's an even more practical argument for sticking with the BLM. Simply put, the BLM has experience.

For years now, BLM rangers have been putting out wildfires, rescuing stranded off-roaders, rounding up burros and wild horses, maintaining warning signs on open mine shafts, protecting petroglyphs, lecturing drunken dirt bikers and picking up misplaced tortoises.

Why not make use of that experience?

In this respect, Rep. Lewis has put forward what seems to be the most cost-effective plan. Lewis has proposed that a relatively modest $710,000 be set aside to pay for more BLM rangers to patrol the desert.

Up to now, the BLM has been fairly successful in protecting 12.5 million acres of desert with just 20 rangers. If that number could be increased to 40 rangers, wouldn't the desert have just about all the management it needs for the next decade or two?

Assuming that the Mojave Desert needs more management — and the federal government seems absolutely convinced that it does — the Lewis proposal seems to be the most logical plan, because it would build on the system that's already in place.

Cranston's bill, on the other hand, would tear down years of experience and waste millions of dollars. And as far as we can tell, the only reasen for doing so would be to impress Cranston's already-loyal environmental constituency.

—John Iddings

SAN BERNARDINO
COUNTY
Sun

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SAN BERNARDINO, CA

TUESDAY/25¢
JULY 14, 1987
DESERT EDITION

Supervisors vote to oppose Cranston's desert park bill

By BILL ROGERS
Sun Staff Writer

SAN BERNARDINO — Arguing that it could interfere with legitimate mining and grazing interests, the county Board of Supervisors voted Monday to oppose federal legislation that would create national parks and wilderness areas in the Mojave Desert.

A better action would be to support the current Bureau of Land Management plan to preserve scenic areas and halt destructive use of off-road vehicles, said Board Chairman John Joyner, who lead the 4-0 vote.

"Our basic position is opposition" to the bill authored by Sen. Alan Cranston, Joyner said. "But we are willing to work with all parties to keep the best of what we have and incorporate the most acceptable of what is proposed."

Supervisor Larry Walker abstained from the vote. He said he was concerned the action could be misinterpreted to mean the board is not willing to compromise on many features of the legislation.

Joyner, who represents most of the county's desert area, said the "great majority of agencies and organizations in the desert adamantly oppose the bill." The BLM is among opponents; the Sierra Club is among its supporters.

Cranston is proposing increased federal protection of 9.4 million acres of Mojave Desert land, much of it in San Bernardino County.

In a position statement, the supervisors opposed creation of the East Mojave National Park east of Baker. They opted instead for the BLM's "scenic area" plan that Joyner said would allow the extraction of rare mineral resources and preserve the cattle ranching "flavor" that he argued is also a valuable asset.

The board questioned whether the National Park Service would give the area the attention the BLM has.

Depending on boundary negotiatons, the board could support some of the bill's wilderness area proposals and its elevation of Joshua Tree National Monument to national park status, Joyner said. But he warned that a similar redesignation for Death Valley Natonal Monument "would only increase displacement of mining rights originally intended to be incorporated into monument management."

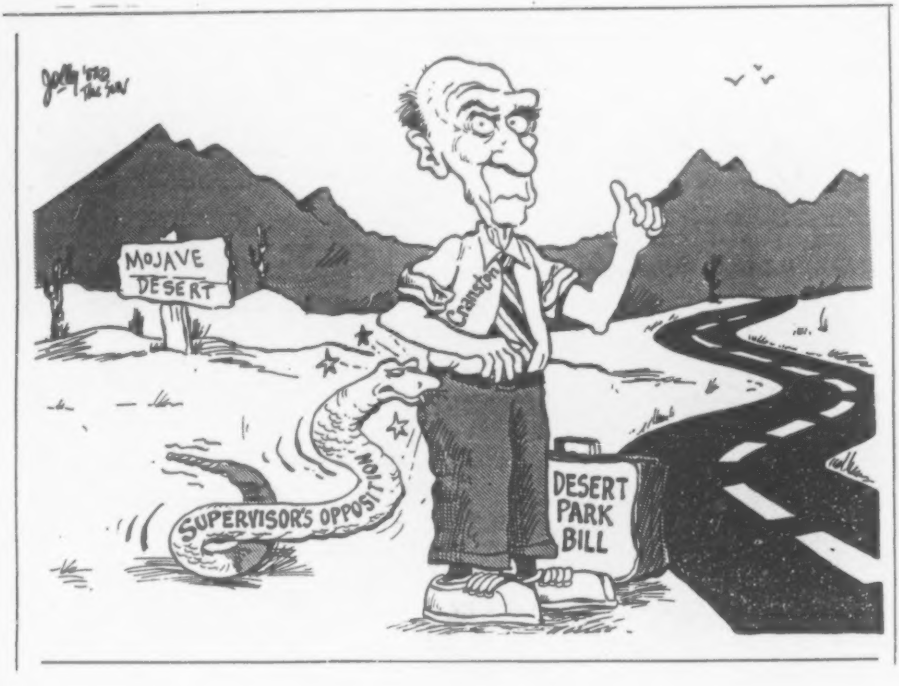
"The county's record shows great concern for desert protection, but within the framework of multiple use," Joyner said.

The county is supporting legislative efforts by Rep. Jerry Lewis, R-Apple Valley, to increase enforcement by doubling the number of BLM rangers, he said.

"It is extremely important to protect mining interests, not just for the county economy but for American society in general," Joyner said.

Opinion The Sun

THURSDAY, July 16, 1987 The Sun /A11


Jolly '87 The Sun
MOJAVE DESERT
Cranston
SUPERVISOR'S OPPOSITION
DESERT PARK BILL

THE DESERT PLAYA--- A DYNAMIC ENVIRONMENT FOR GEOLOGICAL RESEARCH, MILITARY USE, RECREATION, CONSTRUCTION AND TOXIC OR RADIOACTIVE WASTE DISPOSAL

Donald L. Fife, Box 1054, Tustin, California

ABSTRACT

Playa is the Spanish word for shore or beach. In English it has lost its original meaning and is used to described the dry lakes in the closed basins of arid regions. Playas often slope less than 0.2 m per kilometer and are among the flattest of all land forms. In the western North American desert there are hundreds of playas greater than 5 $km.^2$ in area. The flat broad surface of a playa has important military as well as recreational uses. The Space-Shuttle may use these vast natural features as scheduled or emergency recovery areas throughout the arid regions of the earth. In addition to these important uses, many playas overlie valuable accumulations of lacustrine or evaporite minerals (Blanc and Cleveland, 1961).

Playas usually consist predominantly of clay minerals, carbonates, salines and zeolites with silt size particles of quartz, feldspar and other clastic sediments (Droste, 1961).

Playa sediments underlie many arid closed basins, including large alluvial plains adjoining active playa surfaces. Natural arid climatic conditions or pumping may lower the water table. As water levels in aquifers in contact with the clayey playa sediments are lowered, the arid environment allows the clay and hydrous minerals above the capillary fringe to desiccate building up stress. Giant polygons are formed when cohesion in the desiccating sediments is overcome by tensional forces. Explosive and seismic forces can trigger the initial rupture.

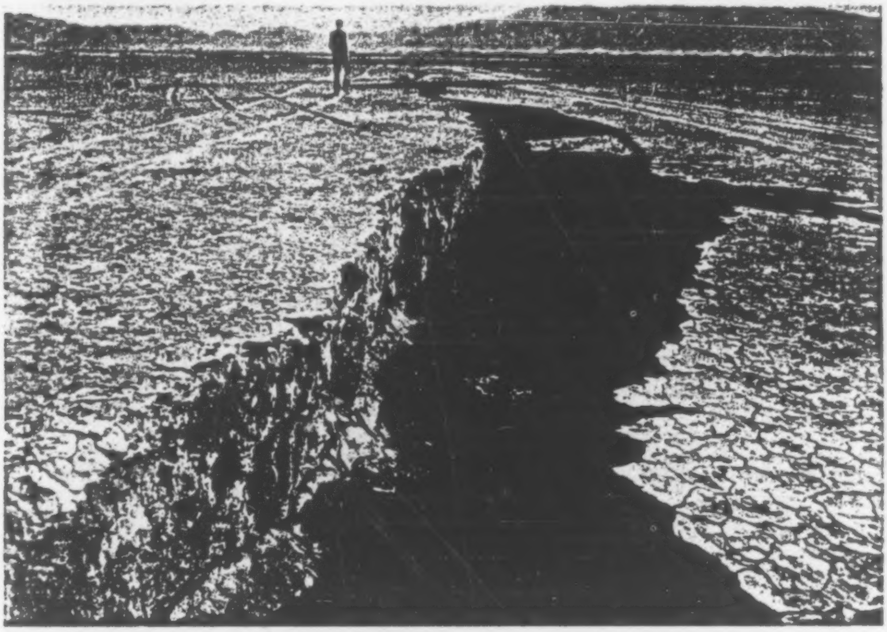


Photo 1. Mesquite Playa, Twentynine Palms, California. Playa fissure resulting from faulting, desication, and erosion as this ephemeral lake drained to the water table 90 m. below.

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*Presented to Southern California Section Association of Engineering Geologists, Los Angeles, CA. September 1981 (DLF(714) 669-0383.)

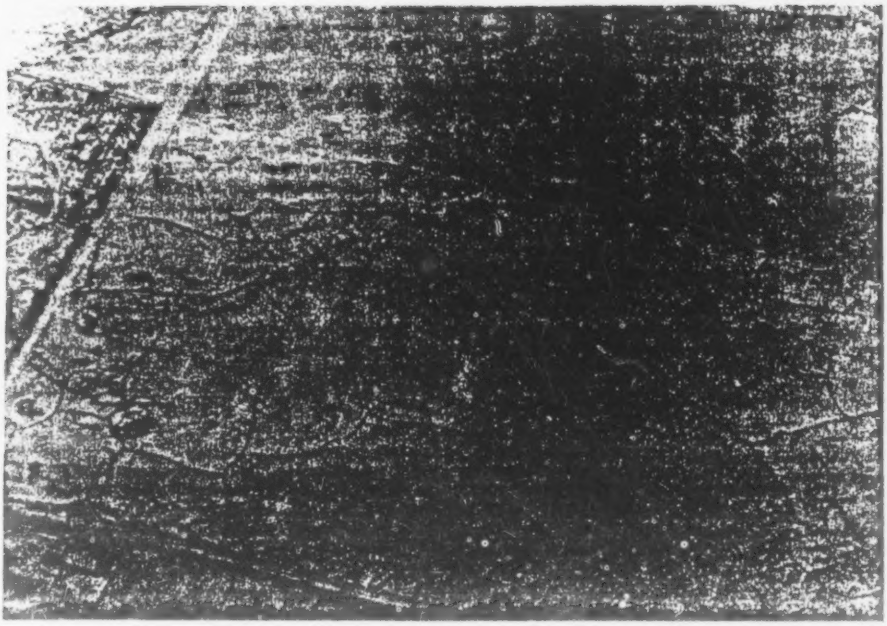


Photo 2. Aerial view of Lucerne Valley Playa, California. Giant desiccation fissures accentuated by vegetation growing in polygonal openings. Fissures were first observed here in 1942 when mining of groundwater "decoupled" the water from the upper portion of the clay body. Note the farmhouse and autos in lower left hand corner for scale.

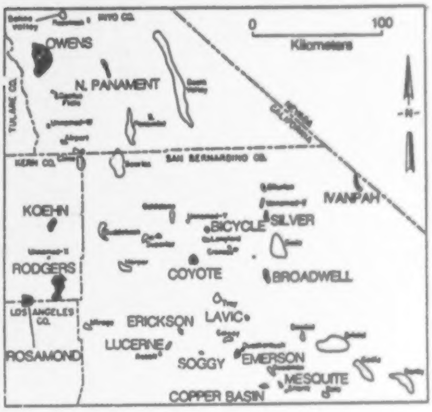
Playa fissures frequently gain attention when ephemeral flood waters exhume large conspicuous gulleys or fissures (Photos 1, and 2). The origin of most large playa fissures can be traced to smaller inconspicuous breaks related to: 1) faulting, 2) subsidence, 3) uplift, 4) massive desiccation, or 5) a combination. The first two causes are generally recognized by geologists and engineers working in the playa environment. However, in the author's experience massive desiccation, forming giant desiccation polygons is the most common cause and the least recognized original source of playa fissuring. Massive desiccation is defined as the moisture loss from clayey sediments or evaporites sufficient to produce giant desiccation polygons and fissures.

As playas are relatively homogeneous sedimentary bodies and normal stress and ultimate shear from massive desiccation can be predicted from the stress-strain elipsoid for individual playas, the geometry of playa fissures may be used to identify regional stress patterns if they were significant at the time of formation of the giant fissures (Fife, 1980).

Surface waters have been observed to recharge the water table directly through giant fissures. Reservoirs built over fissures may be rapidly drained after water establishes a connection with openings at depth. This tends to degrade the ground water quality and allows fissures to erode to spectacular dimensions. They may be greater than 1 m wide at the surface, and 0.5 m at depths of 6 m. During wet periods the fissures tend to "heal" and all surficial evidence may be erased during a single storm season. However, under favorable conditions, old fissures may be detected by geophysical methods, such as shallow refraction. Once desiccation is resumed, fissures tend to reopen along pre-existing polygon boundaries. With extreme desiccation, the polygons tend to divide into smaller and smaller polygons.

Fissures have the potential to store water which may become hazardously perched above tunnels or excavations in the playa. Fissures are commonly observed filling with windblown sand, and, where they pass beneath sand dunes, running sand can form "sand-stone dikes" which become semi-permanent conduits to the water table.

As playas have been proposed for disposal of radioactive and/or toxic wastes (Burnett and Taylor, 1973), the potential for fissures providing a conduit to the water table must be recognised. The fissures are hazardous to surface transportation and landing aircraft. When they occur beneath a structure, they may cause severe damage. The propensity for fissure development can be a danger to pipelines and power transmission towers. Fissures tend to originate in the weakest vertical zone, which may be an excavation, tower footing, or boring. Mitigation measures include awareness, avoidance, structural compensations and control or stabilisation of moisture content.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LOS ANGELES CO.
ERICKSON
LAVIC
LUCERNE
ROSAMOND
SOGGY
EMERSON
MESQUITE
COPPER BASIN

Figure 1. Map showing in caps the location of some playas with evidence of active or late Holocene giant desiccation polygons and/or fissures. (Modified from Droste, 1961; Neal others, 1968).

Photo 3. Playa with a network of interconnecting subsurface channels bridged over by later playa sediments. This condition has the potential to drain a body of water above and store water in the subsurface. Shallow seismic refraction can sometimes be used to detect this condition.

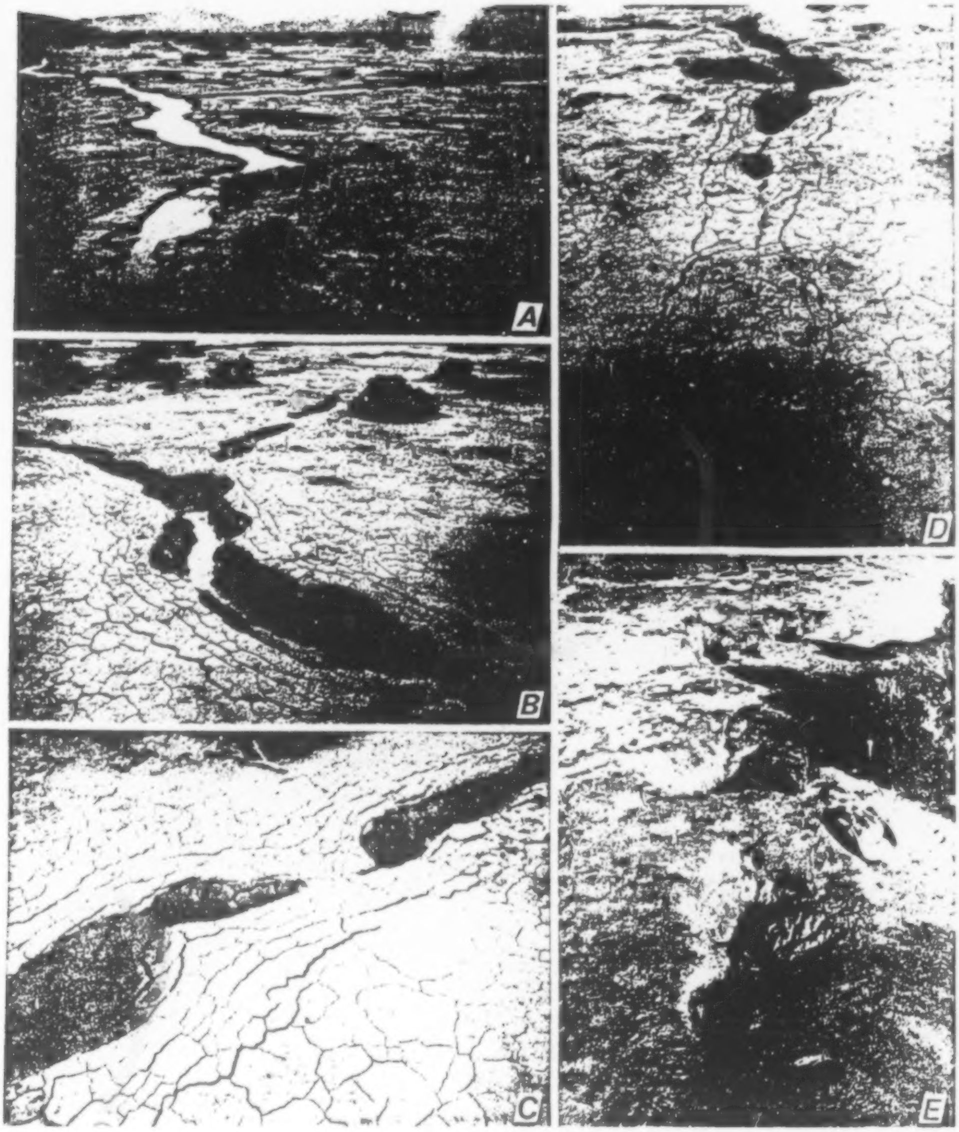


Photo 7A, B, C, D. Giant desiccation fissure "healing" after desert cloudburst.
Photo 7E. Giant desiccation fissure under sand dunes is filling with sand, creating a "sandstone" dike. All photos taken along southern margin of Lucerne Valley Playa in 1976.

THE DESERT TRAINING CENTER
AND
C-AMA

Study No. 15

PHOTO 2

Some of General Patton's more than 30,000+ armored vehicles were on continuous maneuvers in the eastern Mojave Desert for 3.5 years during WW II. On isolated upland surfaces some tracks remain, however, flash floods, blown sand and revegetation on dynamic alluvial fans have destroyed most of the original disturbance. The millions of bomb and shell impact craters were stripped of all scrap metal shortly after WW II. Each impact made a hole in the desert, the wind deposited sand and seeds in these depressions which filled with water during the first cloudburst. Each impact became a "flowerpot". In many places the wind deposited sand around the new clump of sagebrush . . . ultimately replacing theoriginal depression with a small mound of sage and sand!!

Note: Contrary to the beliefs of the ENDANGERED SPECIES ESTABLISHMENT, the Desert Tortoise (Gopherus agassizii), thrives in many of the desert valleys impacted by the massive military maneuvers of the Second World War!

SELECTED BIBLIOGRAPHY

Blanc, R.P. and G.B. Cleveland, 1961 Pleistocene Lakes of Southeastern California: California Div. Mines and Geology, I.I.S., v. 14, nos. 4 and 5.

Burnett, J.L. and G.C. Taylor, 1973, Potential disposal sites for Class I waste in Southern California: California Division of Mines and Geology, Special Publication 44, 12 p.

Droste, J.B., 1961, Clay minerals in the playa sediments of The Mojave Desert, California: California Division Mines, Special Report 69, 21 p.

Fife, D.L., 1980, Giant desiccation polygons and playa fissures: in Fife, D.L., and Brown, A.R. (eds.) Geology and Mineral Wealth of the California Desert, South Coast Geol. Society, Santa Ana, California, pp 414-429.

Krinsley, D.B., 1970, A Geomorphological and paleoclimatological study of playas of Iran: U.S. Air Force, Cambridge Research Lab., Bedford, Mass., Vol. I-II, 486 p.

Lang, W.B., 1943, Gigantic Drying Cracks in Animas Valley, New Mexico: Science, v. 98, no. 2557, p. 583-584.

Motts, W.S., (editor), 1970, Geology and hydrology of selected playas in the western United States: University of Massachusets, Amherst.

Neal, J.T., (editor), 1968, Playa surface morphology; Miscellaneous Investigation: Air Force Cambridge Research Laboratories, Environmental Research Papers, no. 283, 150 p.

Neal, J.T., A.M. Langer, and P.F. Kerr, 1968, Giant desiccation polygons of the Great Basin playas: Geol. Soc. America, Bull. vol 79, p. 69-90.

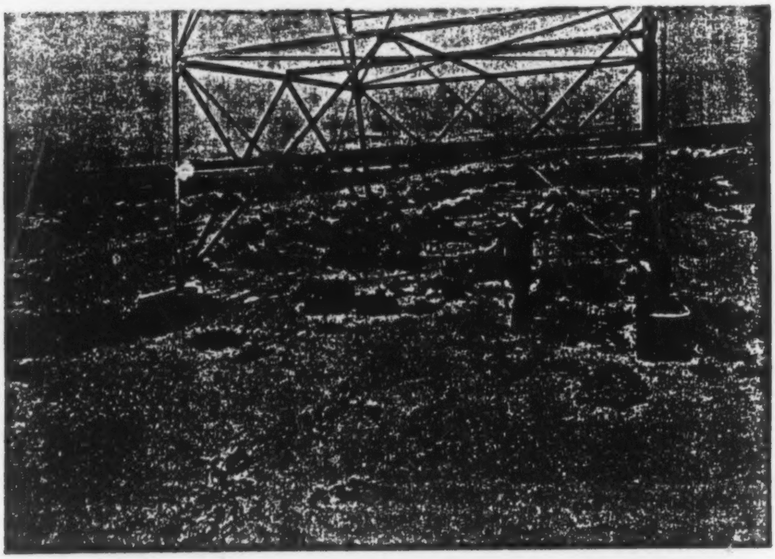


Photo 4. Transmission tower, Lucerne Valley Playa. Towers were placed about 1930 to supply power for construction of Hoover Dam. Footings are about 6 m deep. Giant desiccation fissures have initiated erosion around foundations. If left unchecked, this condition could create a hazardous condition during high winds or a seismic event.

EDITOR'S NOTE:
Desert Magazine has for 3
years represented the high
est standards of preserva
tion and conservation. It ha
been alluded and implie
that the magazine was re
sponsible for tremendou
vandalism being done to
well-known group of petro
glyphs. This we must cate
gorically deny and the pho
tographer-writer team tha
produced the article herei
answer those charges.

An Open Letter to Our Readers

AT THE PRESENT TIME, there is a great concern in our country in regard to the protection and preservation of our Public Land, wild life and antiquities. This is as it should be, as they are a valuable natural heritage which should be enjoyed by our generation and those who follow.

To preserve, protect and enjoy—could be easily the consensus of all citizens, if a sensible approach to the problem would be put forth. This is not an impossible dream. We Americans have the savoir-faire and dedication for the task.

Unfortunately, there are many people who are not willing to "give a little in order to obtain a whole lot" for everyone. Special interest groups have organized. No longer is the good of the land, animals or antiquities the real issue. Instead, each such well-organized group is fighting to "have things its way" with no holds barred.

It is proper to fight for one's rights as long as the real objective is not lost or replaced by personal desires. Nor is it good judgement to plead one's case by using "scare tactics" based on untruths. This latter method is being deliberately used in order to gain the support of deeply concerned citizens. What follows is a case in point.

As members of our local archaeological club, we recently attended the monthly meeting which featured, as guest speaker, Ike Eastvold.

Sometimes referred to as, "The Petroglyph Man," Mr. Eastvold informed his attentive audience that petroglyph sites were in need of greater protection due to the rise of vandalism and theft of petroglyph rock.

As one example, he cited the recent, near total destruction of a nearby, pristine petroglyph site located in Woods Wash, San Bernardino County. He indicated this had occurred over the Thanksgiving weekend as a result of an article and accompanying map published in a national magazine (see *Desert*, Oct. '73). Mr. Eastvold stated that tons of petroglyph rock had been removed, blasted or defaced in place. The site was apparently in shambles.

We talked with Mr. Eastvold following the meeting and he stated, "The photograph of the petroglyps you had in *Desert* Magazine is now one of a kind. Little remains at the site because it has been defaced, blasted and most of it hauled away. Great piles of broken petroglyphs are lying all over the ground."

We were shocked. How could people do such a thing? The wanton destruction of such priceless Indian art hardly seemed possible. We must see this senseless rape for ourselves.

An immediate call to William Knyvett, *Desert*'s Publisher-Editor, met with the same reaction. "Check it out," he directed.

Now returned from an inspection of the Woods Wash site, we are happy and relieved to report it is still as unique and beautiful to behold as we found and photographed it in February, 1972—over two years ago! We saw little evider
man's recent visitation or the sens
destruction as represented by n
formed individuals who proliferat
truths under the guise of "Guardia
the Desert."

Using photographs we had tak
1972, to prepare the Oct. '73 issu
meticulously examined the rather e
sive site. It became quite obvious
someone doesn't understand the
of geology and has blamed people f
natural erosion. There are glyphs o
ground—they were there in
Eventually, the glyphs will all fall p
erosion. Two of the rocks bear bea
"sheep glyphs" and they are still t

The large glyph rock picture
Desert had one small piece gone
looked and there it was—on the gr
below. Jerry returned it to its ori
position, but probably the next h
storm will wash it down again
"chia, ballerina, lizard" and other
standing petroglyphs are still ther
see. Had evil people been removing
destroying the petroglyphs here,
certainly would not have left fine one
the ground.

Those who have spread the prefab
tions relating to Woods Wash hav
noble motive—protection of the pe
glyphs. Unfortunately, the dishonest
proach can lead only to the alienatio
public support and the disqualificatio
spokesmen for the cause.

No man, or group of men, can clai
exclusive protectorate over the D

any of us have come to love, each
individual way. Is it their own in-
greed that makes them distrustful
ers?

not the assumption that all who
the Great Mojave Desert are bent
its destruction. Were this true, Mr
and his compatriots would not
ing the hundreds of petroglyph
they have only lately decided to

ert Magazine's policy has been
upon the strong moral ethics of its
er, Randall Henderson. Publisher
m Knyvett and his staff continue
olicy of, "To tell of this sublime
to enjoy and to protect it." Nearly
the petroglyph sites mentioned in
s are shown on the U.S. Geological
maps available to the general
They are available in most librar-
and Club maps also pinpoint many
sites. It does not take lengthy re-
in obscure files to find them, as
astvold indicates.

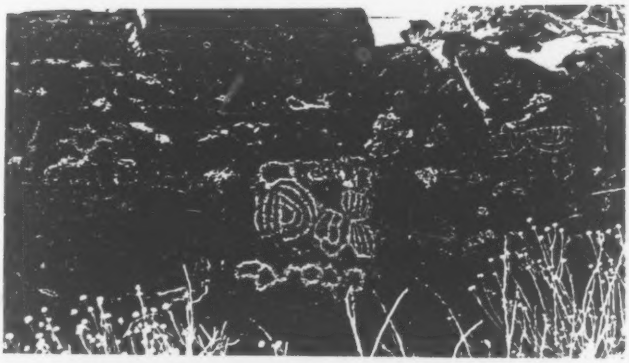
ld the beauty of a Monet, Renoir
asso be denied the view of those
great art and reserved to only
artists? Should every-
the actions of those
tings from galler-
Nor should anyone
American Desert be
the right to read about petro-
and perhaps visit a prehistoric
site.

our concern that all endangered
and rare antiquities be protect-
at they can be. Surely those es-
a just and worthy cause need not
to untruths and innuendos in or-
interest the citizenry. To do so,
doubt and arouses deep concern
their motives. Good is not attained
evil.

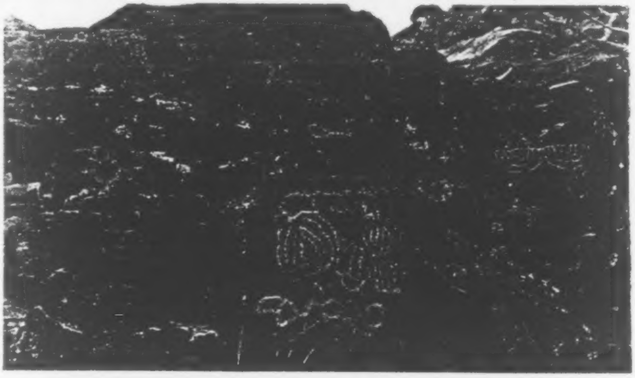
is a movement underway to
he Desert to all recreationists ex-
back-packer and hiker. We urge
readers to be on guard and re-
actions. Do not be fooled into
shment of the enjoyment and use
Public Lands by those who would
your birthright under the pre-
protecting the desert." Keep
Write your Congressman and
Save the desert land for all of
love, but don't abuse it.

rry and Mary Frances Strong.

1974



Above: This photograph of a group of petroglyphs in Woods Wash appeared in the October 1973 issue of DESERT Magazine. Mr. Eastvold stated "That photo is now one-of-a-kind. Little remains at the site because it has been defaced, blasted and most of it hauled away." Note cracks and looseness of glyph in upper right-hand corner.



Above: The same group of petroglyphs photographed in March 1974. Careful study will show the glyphs have not been blasted, defaced or hauled away as Mr. Eastvold stated. Note the cracked segment of glyph in upper right-hand corner is missing. Below: The missing glyph was lying on the ground, a victim of erosion—not vandalism. An in-the-field study of the Woods Wash petroglyph site showed, just as these photos—no vandals had damaged the area, since we photographed it in 1972!

MFR
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July 16, 1987

Senator Alan Cranston
2101 New Senate Office Building
Washington, D.C. 20510

Dear Senator Cranston:

I have thoroughly evaluated the California Desert Protection Act (S-7) and the Bureau of Land Management's East Mojave National Scenic Area Plan (EMNSA). As a professional archaeologist whose interest in research in the California Desert could be strangled by the creation of a hugh National Park and the establishment of an excessive number of Wilderness Areas as a result of S-7, I question the need for the proposed act.

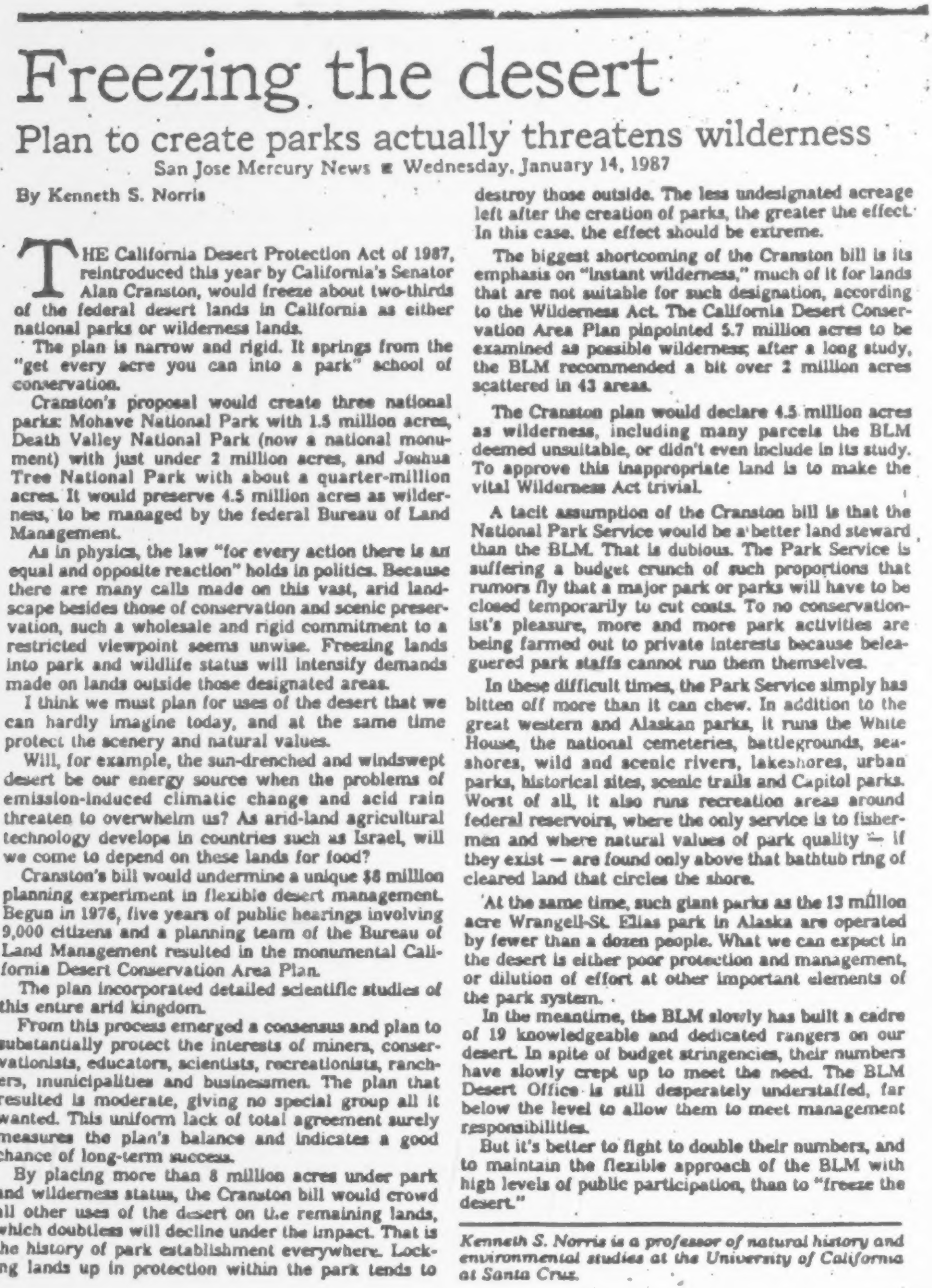
The EMNSA Plan is much more reasonable and responsive to needs to of scientists and visitors to historic sites. It allows necessary vehicular access to important archaeological resource areas and puts an emphasis on protection and intrepretation of popular and unique historic sites. It is multiple-use oriented and makes it well known that cultural resources belong to all Americans, not just those who must hike a great distance to see them. Archaeologists need access to fairly remote areas for their research, generally that means hauling in heavy items, some of which would be difficult to backpack in. The virtual closing of the California Desert to all but a few who can walk a great distance will greatly restrict reserarch into our heritage.

Monitoring use and vandalism would be extremely difficult under S-7. It would be possible under the Bureau's plan. The Bureau has done a remarkably good job of portecting and promoting the desert's heritage through a very smally, gifted and dedicated staff, equipped with an unreasonably small budget. I propose that you support additional funding for the BLM so that they can implement their plan with enough staff to do the job that the public wants them to do.

A vote against S-7 is a vote for sound multiple use management and is in the interest of sound archaeological study, research, management and allows the public access to their history. Please support keeping the desert open to multiple-use management so that our past can be enjoyed by the general as well as the scientific public.

Sincerely,

Russell L. Kaldenberg, Accredited
Society of Professional Archaeologists



Freezing the desert

Plan to create parks actually threatens wilderness

San Jose Mercury News ■ Wednesday, January 14, 1987

By Kenneth S. Norris

THE California Desert Protection Act of 1987, reintroduced this year by California's Senator Alan Cranston, would freeze about two-thirds of the federal desert lands in California as either national parks or wilderness lands.

The plan is narrow and rigid. It springs from the "get every acre you can into a park" school of conservation.

Cranston's proposal would create three national parks: Mohave National Park with 1.5 million acres, Death Valley National Park (now a national monument) with just under 2 million acres, and Joshua Tree National Park with about a quarter-million acres. It would preserve 4.5 million acres as wilderness, to be managed by the federal Bureau of Land Management.

As in physics, the law "for every action there is an equal and opposite reaction" holds in politics. Because there are many calls made on this vast, arid landscape besides those of conservation and scenic preservation, such a wholesale and rigid commitment to a restricted viewpoint seems unwise. Freezing lands into park and wildlife status will intensify demands made on lands outside those designated areas.

I think we must plan for uses of the desert that we can hardly imagine today, and at the same time protect the scenery and natural values.

Will, for example, the sun-drenched and windswept desert be our energy source when the problems of emission-induced climatic change and acid rain threaten to overwhelm us? As arid-land agricultural technology develops in countries such as Israel, will we come to depend on these lands for food?

Cranston's bill would undermine a unique $8 million planning experiment in flexible desert management. Begun in 1976, five years of public hearings involving 9,000 citizens and a planning team of the Bureau of Land Management resulted in the monumental California Desert Conservation Area Plan.

The plan incorporated detailed scientific studies of this entire arid kingdom.

From this process emerged a consensus and plan to substantially protect the interests of miners, conservationists, educators, scientists, recreationists, ranchers, municipalities and businessmen. The plan that resulted is moderate, giving no special group all it wanted. This uniform lack of total agreement surely measures the plan's balance and indicates a good chance of long-term success.

By placing more than 8 million acres under park and wilderness status, the Cranston bill would crowd all other uses of the desert on the remaining lands, which doubtless will decline under the impact. That is the history of park establishment everywhere. Locking lands up in protection within the park tends to destroy those outside. The less undesignated acreage left after the creation of parks, the greater the effect. In this case, the effect should be extreme.

The biggest shortcoming of the Cranston bill is its emphasis on "instant wilderness," much of it for lands that are not suitable for such designation, according to the Wilderness Act. The California Desert Conservation Area Plan pinpointed 5.7 million acres to be examined as possible wilderness; after a long study, the BLM recommended a bit over 2 million acres scattered in 43 areas.

The Cranston plan would declare 4.5 million acres as wilderness, including many parcels the BLM deemed unsuitable, or didn't even include in its study. To approve this inappropriate land is to make the vital Wilderness Act trivial.

A tacit assumption of the Cranston bill is that the National Park Service would be a better land steward than the BLM. That is dubious. The Park Service is suffering a budget crunch of such proportions that rumors fly that a major park or parks will have to be closed temporarily to cut costs. To no conservationist's pleasure, more and more park activities are being farmed out to private interests because beleaguered park staffs cannot run them themselves.

In these difficult times, the Park Service simply has bitten off more than it can chew. In addition to the great western and Alaskan parks, it runs the White House, the national cemeteries, battlegrounds, seashores, wild and scenic rivers, lakeshores, urban parks, historical sites, scenic trails and Capitol parks. Worst of all, it also runs recreation areas around federal reservoirs, where the only service is to fishermen and where natural values of park quality — if they exist — are found only above that bathtub ring of cleared land that circles the shore.

At the same time, such giant parks as the 13 million acre Wrangell-St. Elias park in Alaska are operated by fewer than a dozen people. What we can expect in the desert is either poor protection and management, or dilution of effort at other important elements of the park system.

In the meantime, the BLM slowly has built a cadre of 19 knowledgeable and dedicated rangers on our desert. In spite of budget stringencies, their numbers have slowly crept up to meet the need. The BLM Desert Office is still desperately understaffed, far below the level to allow them to meet management responsibilities.

But it's better to fight to double their numbers, and to maintain the flexible approach of the BLM with high levels of public participation, than to "freeze the desert."

Kenneth S. Norris is a professor of natural history and environmental studies at the University of California at Santa Cruz.

Senator WIRTH. Thank you very much, Ms. Brashear. Let me assure you and other witnesses on this panel and others, that the committee and the committee's staff is eager to work with you and all interested parties in the development of this legislation.

Mr. Fife?

STATEMENT OF DONALD FIFE, GEOLOGIST, NONRENEWABLE RESOURCE CONSULTANT, NATIONAL INHOLDERS ASSOCIATION

Mr. FIFE. Thank you, Mr. Chairman. My name is Donald L. Fife.

Senator WIRTH. You are going to have to follow Ms. Brashear's example and pull that microphone over right close, if you would, Mr. Fife.

Mr. FIFE. My name is Donald L. Fife. I am a third generation California desert person. I am representing the National Inholders Association as their geologist for non-renewable resources.

The California desert is an arid, hostile region, about the size of the State of Pennsylvania. Because of the lack of water resources on the undeveloped Federal lands, and existing Federal management, desert is not generally threatened by urban or other development.

Agriculture is shrinking, and thousands of acres have been reclaimed as groundwater has depleted in recent years. Wilderness status may be used to take water rights from the state, as recently happened in Colorado.

The energy and mineral resources of the region are largely unknown. Few real in-depth studies have been made in the last 30 years. However, the region is one of the most important productive areas in the Nation, generating about $10 billion per year to the national economy.

Geothermal resources are now just coming into importance. The potential for hydrocarbons has not thoroughly been evaluated, especially in the deep sedimentary basin south of the San Andreas fault.

And two, in the overthrust belt, in the eastern California desert, where parks and wilderness are being proposed. It should be remembered that the absence of evidence is not evidence of absence of energy or mineral resources.

S. 7 would severely limit society's access to the rare earth minerals in the eastern desert, where about 97 percent of our supply is currently mined. S. 7 would leave this mine open to deplete its reserves, but would lock up the known geologic environment favorable for the new discoveries needed to convert society to the new technology for superconductivity.

Also included in this is the little known yttrium resources along the San Andreas fault in the western desert, where wilderness and parks are proposed.

According to Professor Robert A. Sangerget in his testimony submitted to this committee, billions of dollars of eminent domain awards will be due under S. 7 for taking of property by statute and regulations, including 1) water rights, 2) mining claims, 3) real property, and 4) businesses, et cetera.

According to Time Magazine, the superconductivity revolution is going to create a quantum leap in technology. The resources available for that come from the California desert.

We maintain that S. 7 in reality is anti-environmental, in the fact that this technology will create cheaper cancer detection equipment, it will cause a revolution in energy transmission, and in fact has a possibility of giving us a pollution-free electric car, and fusion power, which may give us a possibility of not having nuclear waste problems with the current type of nuclear energy we have.

So we feel that the bill is really a quality of life and environmental issue, and that we need a lot more information before this committee, before any decisions are made.

[The prepared statement of Mr. Fife follows:]

NATIONAL INHOLDERS ASSSOCIATION

National Office:
P.O. Box 588 • 30 W. Thomson
Sonoma, California 95476 (707) 996-5334

Legislative Office:
1919 Pennsylvania Ave. N.W., Suite 300
Washington, D.C. 20006 (202) 293-0163

[illegible]

Statement by Donald Fife
Geologist, Non-Renewable Resource Consultant
National Inholders Association

Public Lands, National Parks and Forests Subcommittee
Committee on Energy and Natural Resources
United States Senate
Honorable Dale Bumpers, Chairman

Hearing: California Desert Protection Act, S. 7
Thursday, July 23, 1987, 2:00 p.m.

We appreciate the opportunity to be here today and share our concerns about the dangerous, short sighted and economically damaging legislation known as the California Desert Protection Act (S. 7).

National Inholders Association represents those people owning private land and other interests within federal boundaries including ranchers, homeowners, miners, water right owners and various types of special use permittees on the California Desert. NIA has over 15,000 members in 50 states and 200 federal areas. There are an estimated 1.2 million inholders nationwide in addition to more than 1 million mining claim owners and small explorationists.

I am Donald Fife. I have lived and worked on the California Desert all my life beginning with my father's water well, excavating, and mining business in the desert. I have been involved with desert communities and the critical economic balance that allows these communities and their citizens to survive. Continued multiple-use of the desert is essential to their survival.

I received a Bachelors Degree (1962) and Masters Degree (1968) from San Diego State in Geology. For the past 20 years, I have been a geologist with the California Department of Water Resources, California Division of Mines and Geology, and worked as a consultant in private industry and local, state, and federal government. My professional life has afforded me an extensive level of involvement and experience on the California Desert.

I am a member of numerous professional organizations, and past president of the South Coast Geological Society. I am Chairman of the Mining Advisory Board for the National Inholders Association. Since 1981 I have been the Secretary of Interior's appointee for geology, energy and minerals (non-renewable resources) on the Bureau of Land Management's California Desert Multiple-Use Advisory Council which advises on planning and federal regulation for over 25 million acres of land on the Mojave and Colorado Deserts.

SUMMARY STATEMENT

OPPOSITION TO SENATOR ALAN CRANSTON'S S.7 TO CLOSE VAST PORTIONS OF SOUTHERN CALIFORNIA'S DESERT AND NATIONAL FOREST LANDS TO SOCIETY.

After a careful review of this legislation and its impact on society, we find it will have negative effects on the environment and quality of life, as well as an adverse economic impact on the nation.

We are gravely concerned that this legislation will:

1. Eliminate the existing California Desert Conservation Area (CDCA) Plan which is a model of conservation-preservation and mulitple use. The wishes of the public have been incorporated through public workshops and the public hearing process. More than 9,000 citizens from all walks of life participated. This has generated 50,000 written comments and suggestions on the current conservation-preservation plan for the area.

S. 7 totally ignores the citizen participation and good will that went into the plan. The proposed legislation also ignores the state and local government planning agencies input and coordination that went into the existing plan as well as millions of tax dollars which were spent to produce and implement it.

This 1980 plan was a carefully conceived compromise between preservation and wise use conservation. The wild lands in the California Desert are now managed in a very park-like manner. But the Desert Conservation Area Plan, originally drafted with the assistance of the Western Regional Planning Staff of the National Park Service, wisely preserves the ranching, mining, and rural character that makes this area so attractive to visit.

Two to four million acres are already managed as Wilderness or are in the process of becoming Wilderness. This existing conservation plan presently leans heavily toward the preservationist element. We see no compelling reason to tamper with this plan which was approved and signed off on by both Democratic and Republican Administrations in 1980 and 1981.

2. The California Desert is the most important source of raw mineral commodities supplying our manufacturing and construction industries which build and maintain California. Millions of dollars in local, state and federal taxes and hundreds of thousands of jobs in California depend on the cement, wallboard, cosmetic raw materials, plastic, rubber, explosive additives, mineral fillers, pigments, mineral fertilizers, detergent bases, fiberglass, pharmacueticals, industrial chemicals, abrasives in sandpaper, cleansers and toothpaste, chemicals for smog control and thousands of other uses.

While of some of these non-renewable resources might be found in other parts of the world, the cost of transportation would tend to double or triple their cost and hundreds of thousands of jobs and much of the local tax base could be exported over seas. The proponents of this legislation have publicly implied that there is little remaining mineral or energy potential in the California Desert, but according to official state and federal resource agencies, it is one of the nation's most highly mineralized and productive regions.

In addition, solar, wind, and geothermal resources are just coming into importance in the desert. The potential for hydrocarbons has not been fully evaluated, especially along the overthrust belt in the eastern desert and in the deep sedimentary basin between El Centro and Palm Springs.

According to the state resources agency, the desert generates in excess of $10 billion annually to the economy of California and the nation. To sustain this productivity, extensions of existing deposits and new deposits must be found in the very areas that S. 7 proposes to forever lock up. The cost of government, building a new home, or doing business in California will surely increase if this poorly conceived legislation passes.

3. S. 7 would severely limit society's access to the nation's only known producing province of rare earth lanthanides within the proposed Mojave National Park. This deposit currently produces about 97% of the Western World's rare earth elements such as europium which activites yttrium to produce the red color in television sets. More importantly, according to the TIME magazine article, "The Superconductivity Revolution," dated 5/11/87, and other published sources, these rare earth elements are the source of a quantum leap in technology that promises:

A. A practical pollution free electric automobile which could reduce smog by up to 50% in American urban centers like the Los Angeles Basin;

B. A revolution in energy conservation by saving all of the electricity currently lost in power transmission lines;

C. Create a breakthrough in bringing the world clean "fusion" energy;

D. A dramatic cost reduction in devices used for cancer detection making them more available to the average citizen.

S.7 will leave the existing rare earth mine open to deplete the ore reserves, but will lock up the known geologic environments favorable for new discoveries needed to convert society to this new technology. The only other known principal source of these high tech elements is in mainland China.

4. The direct and indirect costs of passing S. 7 will be enormous. There are thousands of inholders and hundreds of thousands of acres of inholdings in the proposed parks and Wilderness areas. As recent Supreme Court decisions have confirmed, each inholder must by law be compensated for the taking of his or her property. Numerous individual mineral deposits, including several thousand patented and unpatented mining claims, will have to be evaluated and purchased. This item alone could run into the billions of dollars.

5. The loss of grazing will be significant. Stockmen have grazing permits and have made large investments on the federal land. They own private rights such as water rights and ditches, range improvements such as fences and stock handling facilities in addition to their significant investment in the grazing permit itself through the increased price they paid for their base land.

They made large investments in water improvements and range improvements, often at the request of the BLM, and these investments must be compensated for. Otherwise there is a "taking" of private property rights. S. 7 says that grazing will be removed after the current permit has expired, thus giving no recongition to the valuable effort, private enterprise and investment made by these ranching families over many years.

Without this private investment and enterprise on the desert, wildlife and public access will suffer. It is the stockmen as well as the miner who makes signficant water improvements that allow the visitor to obtain badly needed water. Various species of animals drink where the stock watering facilities may be the only water for many miles.

6. It is suggested by supporters of S. 7 that the loss of tourism caused by locking out off road vehicles will be made up by other tourists. These people appear to have little experience with the desert, or familiarity with the experience of people who were made similar promises in other parks such as Redwood and Voyageurs.

Since the vehicle is the life support system on the desert, if vehicles are locked out, many fewer people will visit. Support services, stores, gas stations, and the general economy of desert communities will suffer. At Redwood National Park the local communities were promised in 1978 2 million visiter use days by 1983 to make up for the several thousand jobs lost to the timber industry when the park was created.

The visiter days in 1983 were approximately 39,500, according to the San Franciso Chronicle, and there has been little investment by the Park Service in campgrounds, trails, picnic areas and other facilities that would allow the visiter to stay.

Voyageurs National Park offers a similar story. 1.3 million visitor use days were promised by 1985, ten years after the park was created. Visiter days in 1985 were less than 200,000. The communities around Redwood and Voyageurs National Parks traded known revenue sources for promises that were never fulfilled. The communities and the local tax base suffered greatly as more and more land has been purchased and taken off the tax roles while employment and other income sources have been strangled.

This experience appears to be common in new park areas in recent years, especially where there are limited water play facilities.

Communities on the California Desert face a bleak future if vehicle use is severely limited, mining is reduced, access to the desert cut off and lands are purchased by the federal government that support local government, schools, and other vital services through taxes.

For the above reasons, the National Inholders Association believes this legislation is not in the best interest of American society and we urge you to oppose S. 7.

THE CALIFORNIA DESERT--A VITAL NATIONAL ASSET NOT THREATENED

The California Desert is a vast region that includes all of southeastern California from Owens Valley on the north to Imperial Valley on the south; from Antelope Valley on the West to Death Valley on the east. The boundaries of the desert, drawn arbitrarily in places, encompass 25 or 30 percent of California--an area equal in size to the State of Ohio or Pennsylvania.

It is a generally arid, hostile region of contrasting desert valleys with the lowest elevation in North America at Bad Water--282 feet below sea level in Death Valley, and rugged, isolated mountain ranges, such as the Panamints, where snow capped, Telescope Peak reaches 11,049 feet. About 70% of the desert is covered by alluvial, internally closed draining valleys and plains subject to random cloud bursts and flash floods. These occasionally fill the numerous dry lakes left from the last wet climatic cycle during the pleistocene glaciation of North America 11,000 years ago.

Rain frequently comes all in one storm or storm season with several nearly rainless years in between. "Average rainfall" ranges from less than 4 inches per year in some desert valleys to nearly 15 to 20 inches per year on the highest mountain ranges. Commonly, "several years" worth of rainfall comes in a matter of hours.

The resulting erosion and deposition of surficial "soils" is further "reworked" by wind creating dust and sand storms that have in places, produced spectacular sand dunes....and significantly higher auto insurance rates because of "sandblasted or pitted windshields!"

Temperatures in the desert vary from below zero in the higher elevations in winter, to more than 130 degrees in summer at lower elevations. Hiking in warmer months can be life threatening, as you can perspire from a half a galion to a gallon of water or more per hour. YOUR VEHICLE IS YOUR LIFE SUPPORT SYSTEM IN THE CALIFORNIA DESERT.

The water supply in the California Desert is currently being over drafted (pumped) and additional external supplies are virtually non-existent. Irrigated agriculture is shrinking in many areas because of the drying up of ground water sources. Examples are Antelope Valley, Mojave Valley, Lucerne Valley, and Twenty Nine Palms. Over the past few decades, many tens of thousands of acres have been reclaimed by the desert!

The California Desert has a population of about a half million persons mostly concentrated along the western edge of the desert in Antelope Valley, Mojave River Valley above Barstow or in the Coachella-Imperial Valley near the Colorado River. The princpal urban centers are: Lancaster-Palmdale; Victorville; Barstow; and Palm Springs-Indio. The growth of these areas is limited by available water resources and current growth is generally limited by conversion of agricultural water resources to urban uses.

In reality, the competition for existing water resources in the privately held lands and the absence of significant available water resources on the remaining federal lands assures us that the currently isolated desert is not threatened by urban or other development. Many isolated desert towns have less population today than they did years ago. The natural forces of nature have nearly erased evidence of some, such as Dale, Skidoo, Darwin, Amboy, Ivanpah, Ballerat, Death Valley Junction, Olancha, Cerro Gordo, and Keeler. At Eagle Mountain, 1,500 people lived 5 years ago. Today there are only about 15.

Approximately 6.5 million acres of the desert are in private ownership and about a 1/2 million acres are state lands belonging to the State Teachers Pension Fund. About 3 million acres are isolated military bases or ranges used by the Air Force, Army, Marines, and Navy and the military of the western allies. Much of the military area is defacto wilderness because of the wide "buffer zones" needed to protect national security and the public from dangerous live fire maneuvers and ordinance testing.

Space shuttles are built in Antelope Valley and return from orbit on the nearby Rogers Dry Lake at Edwards AFB. Military reservations, as well as BLM lands, are used for low level training missions and radar avoidance tactics.

Approximately 2.5 million acres are national monument and state park lands in Anza Borrego State Park, Joshua Tree and Death Valley National Monuments. About 90% of these lands are currently administered as Wilderness and access is restricted to foot traffic. Many existing roads have been closed allowing the natural forces of rain and wind to restore them to a "natural" state.

Although managed as Wilderness, no detailed mineral or energy assessment of these lands has been made or is planned. It should be noted that the boundaries of the national monuments and military reservations are not arbitrary as specific boundaries were drawn to exclude known mineralized areas or mines and internal "buffer zones."

The largest remaining portion of the California Desert is the 12.5 million acres of public land managed for multiple-use under the California Desert Conservation Area Plan. This compromise between preservationists and conservationists (wise use) came in 1980 and resulted from four years of public involvement -- 9,000 individuals and 50,000 written comments and suggestions. $8 million in federal funds and about $5 million annually have already been invested by the taxpayer to administer the management of the Conservation Area.

This plan is favors the protectionist philosophy. Presently, the plan preliminarily recommends 1.9 million acres for Wilderness closure. Some of these areas appear, to have high potential for valuable minerals.

According to the U. S. Bureau of Mines, in 1986 the California Desert Conservation Area produced $1.2 billion in raw mineral commodities. The California State Resources Agency (Mining Board) indicates this generates about $10.5 billion in new wealth each year to the national economy.

While S. 7 proponents declare there will be no effect on mining (non-renewable resources), the most critical industry in the California Desert, it will in fact condemn this industry to a slow death as present reserves are consumed and the most promising geologic environments for extensions of existing ore bodies and new discoveries are closed to mineral entry by new national parks and Wilderness areas.

THE MYTH OF THE "FRAGILE" DESERT

It is widely perceived by the proponents of S. 7 that the California Desert is "fragile." To most anyone who has lived and worked in the desert over a long period of time, this is a very debatable perception. Most long term residents of the desert know the vast majority of the desert surface is soft, erodable, alluvial soil, covering up to as much as 70% of the CDCA. The desert soil is frequently subject to flash floods, debris and mudflows, and rillwash. These factors generally prevent development of mature soils.

Thus, the majority of the desert is subject to natural restoration of the surface by frequent reworking and burial (deposition) by cloudbursts and windstorms. Rainfall is the controlling geologic factor for the expected duration of most vehicle tracks and shallow surface disturbance in most areas. Proof of this is the natural restoration of the military impacts that covered the desert at the end of World War II. Millions of troops trained and rotated through almost every corner of the desert for 3.5 years. Only a small percentage of their enormous impact can still be seen on the ground in most areas where they formerly trained.

Fortunately, we cannot now see the millions of bombcraters, thousands of miles of vehicle tracks, and other military impacts that have been eroded or covered by the action of wind, rainfall, and flowing water. Frequently, the only way to observe relic tracks or bomb craters is through special high altitude photography. However, many misinformed newcomers to the desert photograph the remnants of former impacts and display these photos as "proof" the desert never "heals" or restores itself.

For example, General Patton had more than 38,000 armored vehicles, their support equipment, and up to 190,000 troups at a time on continuous maneuvers in the eastern Mojave Desert for 3.5 years during the 1940's. On isolated, upland surfaces some tracks remain, however, flash floods, blown sand and revegetation on dynamic alluvial fans have destroyed most of the original disturbance. The millions of bomb and shell impact craters were stripped of all scrap metal shortly after WW II.

Each impact made a hole in the desert, the wind deposited sand and seeds in these depressions which filled with water during the first cloudburst. Each impact became a "flowerpot." In many places the wind deposited sand around the new clump of sagebrush.....ultimately replacing the original depression with a small mound capped with sagebrush!

General Patton's maneuver area extended from the city limits of Las Vegas, Nevada, to Indio, California eastward to the Arizona side of the Colorado River. However, most of the western Mojave Desert from 29 Palms to Antelope and Owens Valleys was also impacted by the military services.

Aside from the natural restoration of bomb craters, targets, and vehicle tracks, there is spectacular natural restoration of giant desiclation fissures on the desert dry lakes (playas) throughout the CDCA. Pumping of ground water or natural lowering of the water table beneath the dry lakes has allowed the clay deposits composing the dry lakes to dry out. This is very similar to the polygonal cracks that form when a mud puddle dries up after a rain, except that the dimensions are much greater on dry lakes where the polygonal cracks may be thousands of feet across and ten to hundreds of feet deep.

Erosion commonly creates giant caverns downward toward the water table. These features are far more spectacular than shallow vehicle tracks or bomb craters, yet periodic storms that fill the dry lakes after cloud bursts may completely restore an unblemished dry lake surface. The lake is restored without a trace of fissuring, perhaps for years before the cycle is repeated.

A small percentage of upland terraces or isolated surfaces may be slow to heal, but most of the desert is in fact subject to rather rapid natural restoration. The very arid condition and lack of protective vegetation subjects the desert surface to tremendous natural forces of rain and wind erosion. The proponents of S. 7 claim large quantities of soil are disturbed by vehicles, but when their volumns are compared to the volumn moved by natural forces, they become relatively insignficant.

A single desert cloudburst and mud/debris flow can transport and rework tens of thousands of tons or more of loose surface materials which are commonly reworked upon drying through natural dust and sand storms, even creating large dune fields under the right conditions. Most interstate highways, railroads and canals crossing the desert have elaborate systems of protective embankments and drainage ditches to protect against flash flooding.

It seems paradoxical that the proponents of S. 7 appear to be overly concerned about "off road vehicle use" of the desert, particularly "free play use" off existing roads or trails; while S. 7 proposes little or no change in the existing CDCA Plan for isolating, confining, and managing off road vehicle use in designated areas.

It should be noted ALL vehicles are "off road vehicles" once they leave the paved road. Most "off road vehicle traffic" within the CDCA is actually on existing routes of travel where no additional impact is made on the environment.

ECONOMIC IMPACT OF CLOSING SUCH A VAST AREA

There appears to be an effort to influence public policy on mineral access to the California Desert with little understanding of the disastrous effect on America's economy.

The proponents of S. 7 appear to be extremely misinformed. Perhaps the best example is of this is the misinformation placed in the Congressional Record of April 6th, 1987, by Senator Alan Cranston supporting his California Desert Wilderness and park legislation-S. 7. He said: "The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for 100 years. Most studies show that there is little remaining commercial developable mineralization in the California Desert."

Obviously, the senator has been misinformed. According to the public records of the California Division of Mines and Geology and the U. S. Bureau of Mines, the California Desert is a leading source of non-fuel mineral production for the State of California and for the nation:

1) Total non-fuel mineral production in California for 1986 was $2.3 billion of which, conservatively, $1.2 billion came from the California Desert, 2) Total sand and gravel production for California in 1986 was valued at $545 million, of which less than 5% is produced in the California Desert. This amounts to about $27 million or only about 2% of the total mineral production of the California Desert; 3) 100 percent of the nation's boron minerals are mined in the California Desert. In 1986 they were valued at $430 million; 4) 97% of the nation's rare earth mineral production comes from the Mountain Pass Mine in the Calfiornia Desert.

These rare earth lanthanides are used in several high technology applications including super magnets, lasers, and the recent breakthrough in superconductivity which may hold the key to future advances in energy conservation; and 5) more than 200,000 troy ounces of gold were mined in the California Desert in 1986.

In a 1978 report by U. S. Bureau of Land Management geologists, it was estimated that the California Desert contained only a little more than 3 million ounces of remaining gold, according to the U. S. BLM 1980-California Desert Plan, Mineral appendix (XIV-Vol. G). As a result of small prospectors and private exploration efforts, there has been a dramatic increase in gold discoveries and production in the region.

Production has increased from 5,000 ounces in 1981 to more than 200,000 ounces in 1986. New gold mines are being developed that would increase that to 255,000 ounces in 1987 and 305,000 in 1988. Many of these new gold discoveries are associated with newly discovered overthrust zones unknown by government geologists in 1978.

Another recent example of the misperception by the public and Congress of mining and mining claims and their impact in the California Desert was reported by the General Accounting Office in their report: "Mining on National Park Service Lands -- What is at Stake?"

Park Service officials testified before Congress that there were 50,000 mining claims in Death Valley National Monument and the "monument was in danger of being strip mined away." After Congress passed the Mining in the Parks Act in September, 1976, freezing mining in Death Valley National Monument, it was found that the 2.2 million acre monument only contained 863 mining claims under the 1872 mining law.

Unfortunately, out of several hundred small mining claimants, only 2 unpatented claim groups (Bullfrog and Skidoo-Del Norte) had the resources to defend themselves from what GAO labeled as a biased invalidation process by the Park Service. These hundreds of small miners were assured their constitutional rights would be protected by the "all valid rights clause" of the 1976 legislation (the same clause as contained in S. 7). But only two mines owned by small miners were not seized by the federal government. The same fate may await thousands of small miners in areas proposed for closure under S. 7.

Obviously, if the current Park Service management existed in the old days, the now venerated prospector and burro would have been subjected to so much bonding and environmental impact regulations that he could not exist. And it is doubtful that there could have been under current Park Service regulations, the 20 Mule Team Borax wagons that have made Death Valley world famous.

One of the two small miners that did not lose her "valid rights" out of the several hundred who did under the Mining In The Parks Act, was an elderly widow who was told she could not process and reclaim one of her old mine dumps at Skidoo because it was nominated for the register of historic places. This 25,000 ton mine dump contains about 2,500 ounces of gold of which 2,000 ounces is recoverable. Apparently, the preservationist management of the Park Service desires no similar new mine dumps, but doesn't want any old ones reclaimed either.

During the period when the price of gold rose to $850 per ounce, the widow was tied up in administrative law court defending her "valid rights" without any possibility of getting Park Service permits to process her gold. It's interesting to note that another agency of the Interior Department, the U. S. Geological

Survey, had loaned this widow and her late husband exploration funds which helped discover 80,000 ounces of gold within 15 feet of the surface. They were now demanding repayment of the loan from this deposit which they had certified as a discovery.

A local cattleman, Roy Hunter, was wiped out on his grazing lease about the same time, although his family had been in the Death Valley area for more than 100 years.

Parenthetically, the rancher was thrown out after maintaining the range in good condition for a century. However, the Park Service, with its policy of non-management, allowed the ferral burro population to destroy the range and create a large dust bowl. S. 7 will also destroy century old family ranching in the areas being proposed for national or Wilderness parks.

Another example of government planners, and geologists, ignorance of mineral resources is shown by the 1986 U. S. Forest Service 15 year plan for the San Bernardino National Forest in California. The plan stresses the $6.6 million per year benefit from wood products, tourism and recreation in the forest.

Mining and mineral potential are practically ignored except that several areas of highgrade mineral potential are proposed for withdrawal from mineral entry. The reason usually cited for the mineral withdrawal is because of some alleged sensitive, rare or new plant sub-species.

As a paleonotology major in college, I make the observation that none of these new alleged sub-species has undergone the appropriate peer review to be listed as such or described as a new sub-species. However, the environmental smokescreen is being used to curtail the miners' exploration and society's access to the mineral resources on National Forest lands.

As suggested by the book, Playing God in Yellowstone by Alston Chase, the proposed Park Service management of vast new highly mineralized areas of the desert could create an open season for undocumented, subjective and politically motivated decisions based on so called environmental grounds that would make most of the mineral discovery and development process uneconomic. Areas managed by BLM and Forest Service for Wilderness suffer the similar flaws.

Protections included in the national mining law that keep the exploration process even marginal, in the face of incremental entry withdrawals plus constant harassment and pressure from the Forest Service and Bureau of Land Management would be largely wiped out on the California Desert as a practical result of S. 7.

An astonishing oversight by Forest Service planners was the toal omission of the fact that this Natioanl Forest contains the Lucerne Valley Limestone District, the largest highgrade limestone district in the Western United States which produces about 3.5 million tons per year or about $200 million per year in limestone products. This district generates thousands of jobs and millions of dollars in federal, state and local taxes.

It is also interesting to note that the largest single owner of patented and unpatented mining claims in this district is the 6,000 co-beneficiaries of the local AFL-CIO Union Health Insurance and Pension Trust Fund (Cushenbury Trust). S. 7 will designate about 13,000 acres, including the eastern portion of the Lucerne Valley Limestone District, in the San Bernardino National Forest.

This same area was found unsuitable for Wilderness and dropped from the 1984 California Wilderness Act. Under the earlier RARE II study, this same area was called the proposed Granite Peak Wilderness, but now has been lumped with the adjoining BLM Big Horn Mountain WSA.

It is interesting to note that in the late 70's when BLM created the boundaries of the Big Horn Mountain WSA, they relied on old U. S. Geological Survey 15 minute quadrangles from the 1950's with the scale one inch equals one mile. This area was at the time covered by new 7.5 minute U. S. Geological Survey quandrangles at scales of one inch to 2,000 feet or four times the accuracy and 20 to 30 years newer information.

ABSENCE OF EVIDENCE IS NOT EVIDENCE OF ABSENCE

Contrary to Senator Cranston's perception, there have been very few, if any, in-depth regional studies of economic minerals other than those of individuals and companies, and a few reconniassance studies by state and federal agencies.

There is to be a tendency for the proponents of S. 7 and some elements within the bureaucracy to view society's need for resources in a one dimensional framework represented by Senator Cranston's statement that the land has been prospected for more than 100 years which implies that everything has been found. His statement reminds us of the mindset in the U. S. Patent Office in the 1870's which thought the patent office should be closed because everything worthwhile had already been invented.

In reality, rapidly changing economics and technology continually change the kinds of minerals that are sought and the grades that are economic. According to Vincent McKelvey (1976), former director of the U. S. Geological Survey (1972-1978): "Mineral reserves and resources are dynamic quantities and must constantly be appraised. As known deposits are exhausted, unknown deposits must be discovered, new extractive technologies, and new uses are developed and new geologic knowledge indicates new areas and new geologic environments are favorable for mineral discoveries."

On California's federal land (50% of the state) as well as other federal land states little in-depth regional research has been undertaken by the government or academia since the 1960's. In Southern California the last comprehensive work on the geology of the region was in "Geology of Southern California-Bulletin #170 of the California Division of Mines and Geology-1954."

The last documentation of individual mineral resources or commodities in the region are usually found in the California Journal of Mines and Geology dating from the 1940's or 1950's period. The last comprehensive statewide summary of mined resources was in: "Mineral Commodities of California-Bulletin #176 of the California Division of Mines and Geology-1957."

The mineral data base upon which government and private industry are making their decisions today is commonly more than 30 years out of date. Changing economics, new models of ore accumulation and newly discovered thrust fault zones have even made much of the geology in the 1980 BLM Desert Plan ancient history.

Mineral exploration is the R & D of the mineral industry. Regional economic geology and mineral commodity studies are the foundation of mineral exploration. The lead time to open a new mine now commonly exceeds 20 years or more. Basic state of the art regional geologic and specific mineral commodity studies are necessary to keep the United States competitive with the rest of the world and to maintain our standard of living.

Composing only about 5% of the world's population, Americans consume about 20% of the world's non-fuel minerals. Each American requires on the order of 40,000 pounds of new mineral commodities each year just to maintain his or her standard of living.

For example, Dick and Anna Singer, a mom and pop prospecting team (he is a disabled World War II veteran) worked a claim for 30 years that was thought to be marginal property. It was in the same general area where the Spaniards found gold in 1780 on their way to California. This same area was explored and walked over by hundreds, perhaps thousands of prospectors, miners, and geologists for the past 200 years. Dick and Anna Singer were barely eeking out a living but believed in the site and sought some help to develop it.

After being turned down by numerous mining company geologists who felt the land was less than marginal, they found one major company to come in with them. The company came into the project despite a new University of California PhD thesis which indicated the land was less than marginal.

The company went down 280 feet and blocked out a major world class gold discovery in excess of a billion dollars. Without the small miner and independent prospector working under the national mining law, discoveries like the Singer's would never have happened. S. 7 will strangle future exploration in an area of the country with some of the highest potential for new discoveries.

Without large areas open for exploration, and the incentive of the national mining law, accidental discoveries like the world class borate discovery at Boron, California or the world class rare earth lanthanide deposit at Mountain Pass, California would tend not to be reported, let alone developed. The long term effects of S. 7 and similar vast acreage Wilderness withdrawals is profoundly negative and is seriously impacting our ability to find and produce critical and strategic mineral commodities.

Without the small independent explorationist and his expertise and knowledge of America's mineral wealth, sometimes going back several generations, America could lose a vital asset. Wilderness designation without proper assessment and bureaucratic harassment are gradually making the small miner an endangered species.

In the Eastern California Desert is the rare earth deposit at Mountain Pass where, in 1949, most of the Western world rare earth lanthanides were discovered by three uranium prospectors, Herb Woodward, Jim Watkins, and "Pop" Simon. This discovery is in a belt several thousand feet wide and several miles long and perhaps three thousand feet deep. The Sulfide Queen gold mine operated for years almost on top of the rare earth ore body without knowing it. Hundreds of prospectors, as well as dozens of company and government geologists had walked over it while millions of motorists had driven over it on their way to California.

There was suddenly large quantities of rare earth lanthenides, but as no market or known way to produce it. Under today's mining laws and excessively strict rules of marketability, the deposit would not be considered economic and therefore not a valid discovery. As in practically every mineral discovery, it took considerable capital (millions of dollars) to make the deposit economic.

In 1980 Warren Warhol in the South Coast Geological Societies "Geology and Mineral Wealth of the California Desert" notes "that many of the uses of rare earth lanthanides were developed only after their commercial availability was demonstrated on a scale which was only made possible by the discovery of the Mountain Pass ore body. The research and development that followed created the economic value of this unique ore body."

"It is easy to overlook the significance of this order of events; that is, the discovery value by small miners and its contribution to the technology of chemistry, metallurgy, glass, petroleum refining and electronics. The lesson to be learned--if this area had been closed to mineral entry in the past, not only would the benefits from this resource have been postponed or lost, but its value would still not be established."

This single discovery has made the United States the predominant world producer of rare earth lanthanides, such as europium, which activates crystals of yttrium to produce red color in television picture tubes; and samarium and neodynium which, when alloyed with other elements, produces a super magnet so powerful that when used in the conventional electric motor, increases its efficiency by 25 to 50%. With the coming lightweight battery technology, these metals may be a signficant factor in the development of a pollution free automobile.

The rare earth lanthanides.......lanthanium, cerium, neodynium, praseodynium, samarium, gadolinium, europium, and some ten others, are in the forefront of elements promising a new age of superconductivity and super magnets which, according to the May 11th 1987 issue of TIME magazine, could bring a better environment and quality of life to America via clean fusion energy, vastly more efficient electrical power transmission and smogless quieter electric automobiles.

The availability of these elements is also playing a role in the development of the Strategic Defense Inititive (SDI). We owe this technology and the only principal known reserve of this rare earth lanthanide in North America, to the original discovery by small miner/prospectors "Pop" Simon, Herb Woodward, and Jim Watkins.

It should be noted that the only other known significant source of these hightech elements is in Communist China!

EFFECTS OF S. 7 ON CRITICAL AND STRATEGIC MINERALS AND NATIONAL SECURITY

In a 1940 speech, Olaf P. Jenkins, the chief geologist for the California Division of Mines, recognized the critical concept which was soon to be tested by the impending Second World War: "No nation on earth possesses all the various minerals needed. In time of peace, to overcome this deficiency, the necessary deficient minerals are imported. In time of war, however, restriction of importation may be so serious to certain industries of a nation as to cripple that nation both from a military standpoint and from the standpoint of internal development."

"Present day national defense should not and does not consider military defense alone, but is studying with great care that possibility (which may turn out to be much more serious) of economic warfare, should the balance of power become so unbalanced as to leave one power to dominate the earth. This could come about should one power possess all the various minerals needed in all of its industries."

These concepts are just as true today as they were in 1940, and they will be for the foreseeable future. However, the Soviet Union, with one sixth of the worlds surface area, and the largest mineral resource base of any nation, is precariously close to possessing all of the various minerals needed to become independent of other nations.

As the Soviet Union, with its nearly three fold advantage in land to find mineral resources, expands into the vast expanse of Asia, it will likely reach total self sufficiency in strategic and critical mineral resources. Once this has been achieved, it will not need to conquer new territory, but will only need to politically destabilize sources of raw materials vital to the west to inflict grave economic damage.

Fred Warshofsky updates Jenkins, 1940 statement in his Readers Digest article: "Strategic Minerals: Invisible War": "while most Americans are worrying about the energy crisis an even more serious resource crunch could bring the U. S. economy to its knees. Of the 36 non-fuel minerals essential to the United States as an industrial society, we are crucially dependent on foreign sources for 22 of them."

Chromium, for example, is widely used in oil refining, petro-chemicals, conventional and nuclear power plants, LNG plants, tanker trucks, gas turbines, industrial machinery, all stainless steel, and all civilian and military jet engines. In some applications, demanding high strength and high temperature erosian resistance, there is no substitute for chromium. Yet our major sources of supply are South Africa and the Soviet Union.

Even gold has become a strategic commodity. In time of international crisis or war, gold may be the only acceptable currency. Each commercial or military jet requires a significant fraction. The chrome-steel jet engines are welded together with gold-nickel alloy which is highly resistant to vibration and metal fatigue. A thin layer of gold is sandwiched in the aircraft windshield so low voltage current can be trickled through to de-ice the windshield.

An ordinary 747 requires about 150 ounces of gold for its construction. Gold is also in great demand for electronic components, space probes, the space shuttle and satellites.

The Soviets and South Africans commonly supply the majority of our gold imports. One wonders what the Soviet price and availablity of gold will be if South Africa, with almost half the world's production estimated to be 680 tons per year, falls into chaos or becomes a Marxist state?

The Soviet Union has almost three acres for every one we have. Each acre of land withdrawn from society's access for energy and mineral resources adds to the Soviet's overwhelming advantage in exploration area. The California Desert is such a vast, geologically complex region that its potential for economic minerals is still largely unknown. New discoveries continue to surprise the scientific community. New gold discoveries, platinum group elements and only recently, gallium are examples.

When gallium is compounded with arsenic making gallium arsenide, it can be used to make a computer chip and replace silicon. This increases the speed from 1.8 billion to 18 billion bits of information per second in a computer. Imagine the Soviet Strategic Command having the advantage of such computers in a conflict with the west!

It should be kept in mind that long term economic stability and military survival favors the society with the most diverse, accessible, productive, and secure mineral resource base.

THE COST AND EFFECT OF SO MUCH WILDERNESS

Conservation is defined as the wise use of a resource. Preservation is only one aspect of conservation. We should not attempt to make all of the public lands a Wilderness park. This concept is gradually endangering the preservation of truly unique areas like Yosemite, the Grand Canyon, Yellowstone, and other true national treasures.

These should obviously be preserved, however, we can't afford the cost of locking up more than 300 million acres of the western public lands. Because so much of our national wealth is now being locked up in Wilderness parks, when society discovers the true impact and cost, all Wilderness will tend to lose credence.

Many uninformed conservationists have suggested we "bank" the nation's mineral resources in Wilderness areas without any idea of the cost to American society. In a recent study, Anders, Gramm, and Maurice at the International Institute of Economic Research at the University of California, Los Angeles published the results of their study entitled "Does Resource Conservation Pay?" It contains some very sobering answers to the cost of "banking mineral resources" in public domain, such as Wilderness and national parks.

Conservation was considered a comparative compound interest problem. "If use of a resource is delayed, the price of the resource may rise during the period of withholding. Alternatively, the resource could be extracted and sold and the net proceeds could be invested. If the rate of appreciation is greater than the rate of return, conservation is rational..."

However, "at any time during the twentieth century, enforced long term conservation (withholding) of mineral resources would have been a poor economic decision: for both the generation which made the decision and those which later used the resource. Imminent exhaustion of a resource has historically not been a valid justification for enforced conservation, either by stockpiling or by leaving the resource in the ground."

The above authors concluded, after studying the historical prices of 14 depletable resources including aluminum, petroleum, and precious metals, that none would be more valuable if produced today than their value produced each year and the profit reinvested at the prevailing rates. To stockpile one barrel of crude petroleum in 1900 would have required a 1975 price of $12,900 per barrel to break even. The average break even price for the 14 depletable resources stockpiled in 1900 exceeded the 1975 price by 929,000 percent!

The unmistakable conclusion is, that given the tens of millions of acres now withdrawn or being proposed for the consumptive land use known as Wilderness, it will cost American society not millions or billions, but trillions of dollars in lost economic opportunity over the next few generations! The economic loss will affect not only our future standard of living and quality of life, but will fall hardest on those at the lower end of the economic spectrum.

In the Alaskan Wilderness and parks withdrawal of 1980 it was documented during congressional testimony that at least $1.5 trillion in energy resources were locked up in these lands. Society is currently losing billions of dollars per year from these assets which could be used to reduce the negative balance of payments, taxes, and the national debt. S. 7 should not be allowed to add one of the richest and most productive areas in the lower 48 states to that kind of closure.

CONCLUSION

We can infer from the Singer's Mesquite deposit, the Mountain Pass rare earth deposit, and from hundreds of other deposits, the independent small miner/prospector/geologist/explorationist is not obsolete in the mineral exploration/assessment process. Indeed, the majority of recent discoveries would not have been made without the small miner or independent explorationist. Many would have been prevented by extensive environmental regulations, the lack of federal, state, and academic resource studies and the absence of financial support.

However, this should not be too surprising since the history of the west is in large part a history of discoveries by the small miner/prospector. Large resource companies identify the majority of their exploration targets either directly from the small explorationists or from evidence of their previous efforts under the national mining law.

In effect, the national mining law has produced an army of thousands of citizens in which the free enterprise system continually "explores and assesses" our open federal land.

Most successful major and many small mining operations were reviewed and explored by dozens of mining companies or private individuals over a period of years before someone made the financial commitment to risk making a "mineral discovery" an operating mine. This system has made American society one of the most productive and prolific mineral producers in the world.

The government mining engineers and geologists who have been assigned the task of making mineral "inventories" or "assessments" of vast areas proposed for Wilderness withdrawal in the California Desert and other public lands, have actually been victums of a myth. Mason Hill, in his response to receiving the 1981 American Association of Petroleum Geologists' Sidney Powers Award, identified a major intellectual flaw in the concept of the mineral "inventory."

"Actually, geologists are partly to blame because we have been pursuaded to tell the decision makers how much oil is left to be found. They have flattered us by saying 'only you geologists can know' consequently, many of us have tried, rather than to admit that quantifying estimates of undiscovered oil is impossible."

"What society really needs is more geologic and geophysical work, more exploratory wells, more financial capacity, and more governmental and public support--not obstructive tactics--to find new oil. If the current pessimism (or optimism for solar energy) persists, we are likely to leave great quantities of a relatively cheap, clean, and efficient source of energy in the ground. This we cannot afford."

If this is true for petroleum, then the complexity of idenfiying-inventoring unique one-of-a-kind metallic or nonmetallic deposits is infinitely more difficult. Mineral assessment does not only deal with evaluating changing geologic factors in the field but, to be valid, must assess all future raw material demands for manufacturing, agriculture, and national defense. Thus, the task of identifying or assessing mineral reserves or even potential resources over such a vast area as the California Desert is so complex, diverse, and dynamic, that reason dictates society should leave as much area open for mineral entry as possible.

Exploration is not incompatible with other multiple uses, including Wilderness, because vast regions are needed to search for geologic anomalies that are potential economic mineral deposits. Once a depost is identified, only a tiny fraction of the exploration area is needed to extract the resource.

At Mountain Pass, most of the western world's rare earths come from an area less than 50 acres, yet this is the only known deposit of its kind in all of North America. Rational exploration would suggest that as much area as possible be left open since many mineral deposits have been found by accident, not by any systematic search, or while looking for some other resource.

For example, the world's largest borate deposit in the California Desert at Boron, documented by Siefke in the South Coast Geological Society's 1980 Geology and Mineral Wealth of the California Desert, was found accidently by a physician, John Suckow, while drilling for water more than 200 feet below the alluvial surface. This deposit has, for the past 50 years, made the United States the predominant producer of borate in the world. Much of the geology in the proposed national parks and Wilderness in S. 7 is concealed by similar alluvial deposits.

Of the 65 mineral commodities identified in the California Desert, about 40% are considered strategic or essential for national defense. Several are considered critical and essential to the needs of the nation. It should be noted that the ABSENCE OF EVIDENCE IS NOT EVIDENCE OF ABSENCE.

We must realize that true conservation means wise use and not necessarily preservation. And also that exploration is not necessarily incompatible with Wilderness. Congress should make rational decisions based on up-to-date and factual information. These decisions should be weighted with economic and national security resource needs.

Congress should understand the dynamics of geologic exploration and mineral economics. A mineral inventory or assessment is only meaningful to society when it addresses present and future resource needs of agriculture, manufacturing, and national defense. It should be understood that there is a substantial pricetag for designating vast Wilderness and national parks.

This cost will amount to trillions of dollars in lost economic opportunity over the next few generations and will certainly have an effect on the ability of future generations of Americans to compete and defend themselves. Therefore, as much area as possible should remain perpetually open to energy and mineral availability. Anything less could assure the Soviet Union's dominance in energy and mineral resources in the coming century.

Cover sheets attached as part of this testimony:

1. "Freezing The Desert: Plan To Create Parks Actually Threatens Wilderness," Kenneth S. Norris, professor of natural history, University of California, Santa Cruz, "San Jose Mercury News," 1/14/87.

2. "Mineral Resources of Eastern Transverse Ranges" (including Joshua Tree National Monument) Robert W. Ruff, Mark E. Unruh, Paul A. Bogseth, 1982 "Geology and Mineral Wealth of the California Tranverse Ranges," South Coast Geological Society, P. O. Box 10244, Santa Ana, Calif. 92711, Page 222.

3. "San Bernardino Supervisors Hold Hearings on Opening Monument to Mining" "California Mining Journal," August 1954, Page 19.

4. "Proposed National Park Status Would Eliminate Mining," Russ Hartill, "California Mining Journal," May 1985.

5. "In 1980 49-ers Strike It Wealthy," Patricia Barnes and Jeannette Hyduke, "Press Enterprise," Riverside, California, February 4, 1986.

6. Mining on National Parks Service Lands--What is at Stake? General Accounting Office, (EMD 81 119) September 24, 1981, and (EMD-81-119 S) December 14, 1981.

7. "The Desert Playa--A Dynamic Environment For Geologic Research, Military Use, Recreation, Construction, and Toxic or Radioactive Waste Disposal," (Abstract) Donald L. Fife, September, 1981 Presented to Southern California Section Association of Engineering Geologists.

8. "Wilderness Tragedy--Three Mexicans Trying To Walk Across Desert," "Orange County Register," Santa Ana, California, July 15, 1987 Page A-13.

9. "Wiring the Future--The Superconductivity Revolution," TIME, May 11, 1987.

10. " Desert Has Rare Earth,". Letter to Editor-Various Papers, Donald L. Fife.

11. "Geology and Mineral Wealth of the California Transverse Ranges" Edited: Donald L. Fife and John A. Minch, 1982, 699 pages.

12. "Geology and Mineral Wealth of the California Desert" Edited: Donald L. Fife and Arthur R. Brown, 1980, 555 pages.

13. "Does Resources Conservation Pay," by Anders, Gramm and Maurice. International Institute of Economic Research, University of California at Los Angeles, 1978

14. "Carbonate Resources, Lucerne Valley Limestone District, San Bernardino Mountains, California," "Geology and Mineral Wealth of the California Transverse Ranges."

15. Photograph A: Roadless Area ?

16. Photograph B: Desert Training Center--General George S. Patton 1942.

San Jose Mercury News ■ Wednesday, January 14, 1987 7B

Commentary

Freezing the desert

Plan to create parks actually threatens wilderness

By Kenneth S. Norris

THE California Desert Protection Act of 1987, reintroduced this year by California's Senator Alan Cranston, would freeze about two-thirds of the federal desert lands in California as either national parks or wilderness lands.

The plan is narrow and rigid. It springs from the "get every acre you can into a park" school of conservation.

Cranston's proposal would create three national parks: Mohave National Park with 1.5 million acres, Death Valley National Park (now a national monument) with just under 2 million acres, and Joshua Tree National Park with about a quarter-million acres. It would preserve 4.5 million acres as wilderness, to be managed by the federal Bureau of Land Management.

As in physics, the law "for every action there is an equal and opposite reaction" holds in politics. Because there are many calls made on this vast, arid landscape besides those of conservation and scenic preservation, such a wholesale and rigid commitment to a restricted viewpoint seems unwise. Freezing lands into park and wildlife status will intensify demands made on lands outside those designated areas.

I think we must plan for uses of the desert that we can hardly imagine today, and at the same time protect the scenery and natural values.

Will, for example, the sun-drenched and windswept desert be our energy source when the problems of emission-induced climatic change and acid rain threaten to overwhelm us? As arid-land agricultural technology develops in countries such as Israel, will we come to depend on these lands for food?

Cranston's bill would undermine a unique $8 million planning experiment in flexible desert management. Begun in 1976, five years of public hearings involving 9,000 citizens and a planning team of the Bureau of Land Management resulted in the monumental California Desert Conservation Area Plan.

The plan incorporated detailed scientific studies of this entire arid kingdom.

From this process emerged a consensus and plan to substantially protect the interests of miners, conservationists, educators, scientists, recreationists, ranchers, municipalities and businessmen. The plan that resulted is moderate, giving no special group all it wanted. This uniform lack of total agreement surely measures the plan's balance and indicates a good chance of long-term success.

By placing more than 8 million acres under park and wilderness status, the Cranston bill would crowd all other uses of the desert on the remaining lands, which doubtless will decline under the impact. That is the history of park establishment everywhere. Locking lands up in protection within the park tends to destroy those outside. The less undesignated acreage left after the creation of parks, the greater the effect. In this case, the effect should be extreme.

The biggest shortcoming of the Cranston bill is its emphasis on "instant wilderness," much of it for lands that are not suitable for such designation, according to the Wilderness Act. The California Desert Conservation Area Plan pinpointed 5.7 million acres to be examined as possible wilderness; after a long study, the BLM recommended a bit over 2 million acres scattered in 43 areas.

The Cranston plan would declare 4.5 million acres as wilderness, including many parcels the BLM deemed unsuitable, or didn't even include in its study. To approve this inappropriate land is to make the vital Wilderness Act trivial.

A tacit assumption of the Cranston bill is that the National Park Service would be a better land steward than the BLM. That is dubious. The Park Service is suffering a budget crunch of such proportions that rumors fly that a major park or parks will have to be closed temporarily to cut costs. To no conservationist's pleasure, more and more park activities are being farmed out to private interests because beleaguered park staffs cannot run them themselves.

In these difficult times, the Park Service simply has bitten off more than it can chew. In addition to the great western and Alaskan parks, it runs the White House, the national cemeteries, battlegrounds, seashores, wild and scenic rivers, lakeshores, urban parks, historical sites, scenic trails and Capitol parks. Worst of all, it also runs recreation areas around federal reservoirs, where the only service is to fishermen and where natural values of park quality — if they exist — are found only above that bathtub ring of cleared land that circles the shore.

At the same time, such giant parks as the 13 million acre Wrangell-St. Elias park in Alaska are operated by fewer than a dozen people. What we can expect in the desert is either poor protection and management, or dilution of effort at other important elements of the park system.

In the meantime, the BLM slowly has built a cadre of 19 knowledgeable and dedicated rangers on our desert. In spite of budget stringencies, their numbers have slowly crept up to meet the need. The BLM Desert Office is still desperately understaffed, far below the level to allow them to meet management responsibilities.

But it's better to fight to double their numbers, and to maintain the flexible approach of the BLM with high levels of public participation, than to "freeze the desert."

Kenneth S. Norris is a professor of natural history and environmental studies at the University of California at Santa Cruz.

Mineral Resources of the Eastern Transverse Ranges of Southern California

GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES – South Coast Geological Society 1982

Robert W. Ruff, Converse Consultants, Inc., P.O. Box 6288, Anaheim, California 92806; Mark E. Unruh, 1006 E. Commonwealth, Fullerton, California 92631; Paul A. Bogseth, Irvine Soils Engineering,Inc., 18003 Sky Park Circle, Suite G, Irvine, California 92714

ABSTRACT

The eastern Transverse Ranges are a fault bounded subprovince of the Transverse Ranges located approximately 100 miles east of Los Angeles. Extensive mineralization within the subprovince is associated with Mesozoic and Tertiary intrusives and Precambrian to Paleozoic basement rocks. Regional and local faulting control mineral deposition. Gold, silver, lead, iron, gems, copper and other products have been produced from several mining districts throughout the area. Historic mining activity extended from at least 1883 to the present and reported production has exceeded 3,093,000,000 dollars.

Recent geologic studies have resulted in a new interpretation of the geologic structure and history of the region. Tabulation and plotting of unpublished and little known mineral data on this new geologic data base presents an opportunity to reevaluate the known and potential mineral resources of the subprovince. The eastern Transverse Ranges are considered a potential source of mineral resources for the expanding southern California markets.

Based on information contained herein, it is recommended that much of the existing Joshua Tree National Monument be reopened to mineral exploration, and adjacent areas now being considered for wilderness closure be left open to mineral exploration.

INTRODUCTION

The eastern Transverse Ranges are a physiographic and structural subprovince situated east-northeast of the San Andreas fault and east-southeast of the San Bernardino Mountains, approximately 100 miles east of Los Angeles (Figure 1). These ranges consist predominantly of en-echelon east-west trending mountains within the northwest-southeast structural trend of California. Collectively, the eastern Transverse Ranges occupy a 30-mile wide belt extending from the San Bernardino Mountains on the northwest to the Orocopia and Little Chuckwalla Mountains on the southeast.

This study was limited to an area including five mountain ranges surrounding and within Joshua Tree National Monument. These ranges are the Hexie, the Pinto, the Eagle, the Cottonwood and the Little San Bernardino Mountains (Photograph 1). All five ranges are within a structural block bounded by active and inactive Cenozoic faults. The limits of the study area are defined by the San Andreas fault system on the southwest, the Pinto Mountain fault on the north, the Sheephole fault on the east and the Chiriaco fault on the south (Figure 2).

The area covered equals approximately 1700 square miles. The topography is quite rugged with elevations ranging from 5814 feet at Quail Mountain located near the northwest corner of the study area in the Little San Bernardino mountains, to a low of 200 feet above sea level near the base of the Little San Bernardino escarpment east of Indio, California.

The purpose of this paper is to describe the mineral resources and the mining history of the eastern Transverse Ranges, and to correlate the mineral occurrences with the regional structure and tectonic history.

An effort was made to catalog the mining activity and mineral production of the study area. Unpublished information collected from the California Division of Mines and Geology (Saul and others, 1961), the Bureau of Land Management (Bureau of Land Management, 1981) and mine owners, along with published sources, was reviewed and tabulated for the areas defined in this paper. This information was categorized into five assemblages which are informally called groups in this paper. The groups are: the Northern Hexie, the Lost Horse, the Gold Park, the Dale and the Eagle Montain (Figure 3). It should be noted that the Gold Park, Dale and Eagle Mountain Groups discussed differ slightly from the mining districts previously mentioned. While the general locations are similar, the defined boundaries vary. Mines located outside of the five groups have been listed under Miscellaneous Mines. The authors believe this listing to be the most complete to date.

Mineral exploitation has occurred primarily in the north and northeast portions of the eastern Transverse Ranges, within the Pinto and Eagle Mountains. Historically significant and well known mining areas within the Pinto and Eagle Mountains include the Dale, Gold Park and Eagle mining districts.

Many known resources have not been exploited to their full potential. Gold and iron have been the principle historic mineral products from the study area, however, a varied production has occurred in the region including silver, copper, lead, gems, sand and gravel, tungsten, zinc, molybdenum, uranium, rare earths and others.

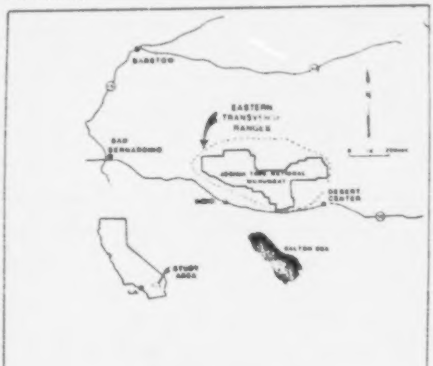


Figure 1. Location map.

San Bernardino Supervisors Hold Hearing on Opening Monument to Mining

THE Board of Supervisors of San Bernardino county held a public hearing on the proposal that mining rights be restored within the boundaries of the Joshua Tree National Monument in order to permit exploration of mining within the boundaries of the Monument. The proposal has been recommended to the supervisors by the Board of Trade of the county.

The hearing was held Monday, July 19, at the Health Center building in San Bernardino.

For a number of years the opening of the Monument has been a Western Mining Council project, the miners holding that prospecting and mine development in no way would injure the scenic value of the area. To date the Council has been successful in getting 189,000 acres eliminated from the park. This is in the eastern and southeastern portion of the area, which took in Pinto Basin, a highly mineralized section.

Uranium Possibilities Needs a Look

Now that the nation is hot on the trail of every and any spot of earth that will show signs of any radioactive materials, such as has already been discovered in the Monument, it is felt that the nation should not be denied the opportunity of at least giving the whole area, over a half million acres a good test for uranium and others of California's over 60 commercial minerals.

NOTE - S-7
WILL PUT MOST
OF THE AREA
REMOVED FROM
JOSHUA TREE N.M.
BECAUSE OF
HIGH MINERAL
POTENTIAL—
BACK INTO A
NEW NAT'L
PARK!!

Death Valley Monument Open

Death Valley, a national monument of over 2,000,000 acres, is open to mining, the federal agencies in charge reporting complete harmony between them and the miners. There is no reason why it would be otherwise in the Joshua Tree Monument.

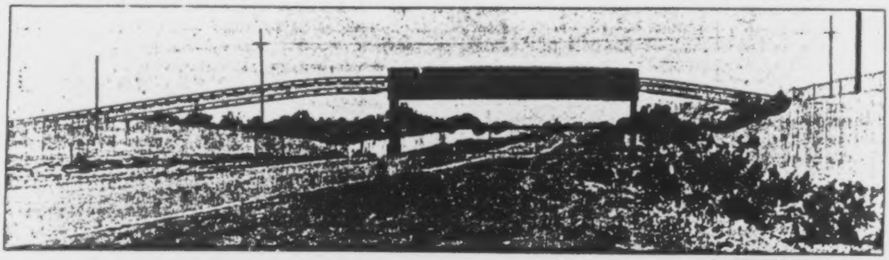
Withdrawals Hurt Tax Base

The rush of new people to California cannot be met with huge tracts of its lands tied up in what the federal government is pleased to designate as "wildernesses.' These "wildernesses" cut deep into the taxable areas of every county of the state. At the present time 46% of the area of California is tax free due to federal holdings. This practically doubles the tax load on the balance of the state and not only crowds settlers out of a big portion of the state but prevents the development of new industries to provide jobs for new settlers. If we don't provide jobs for the half-million new people coming into California every year the load on the Welfare Department will become unbearable.

There are too many reasons why large tracts of California lands should be excluded from development. At least those who would add to development should at least be given the opportunity to demonstrate the possibilities.

Our deadline for August prevents a report of the hearing which will be covered in our September issue.

There are approximately 21,000,000 acres of land under irrigation in the 17 Western States.



JEANETTE HYDUKE/The Press-Enterprise

A conveyor carries diggings across Highway 78. Below, Anna and Richard Singer have stayed on; they live in a trailer on the mining site.

In 1980, 49-ers strike it wealthy

By PATRICIA BARNES
and JEANETTE HYDUKE
The Press-Enterprise

BLYTHE — Gold. The promise that lured the forty-niners across a continent summoned Richard and Anna Singer a century later to the arid landscape of the Chocolate Mountains.

For more than two decades, the Singers scratched away at the desert in the Mesquite Diggings about 50 miles southwest of Blythe. Their mines yielded enough fine gold to put food on their table.

But the Singers had a bigger vision: opening up enough mines to prove the value of commercial ore bodies to a large company and selling their claims. Then they could retire.

And they did just that.

The Singers in 1980 sold their mines to Gold Fields Mining Corp. for a sum that would make them wealthy for the rest of their lives.

Now, because of the Singers, other residents of the region are about to strike it rich, too, in the form of jobs.

Robin J. Hickson, manager of the Mesquite Mines, said that he anticipated an annual yield of 110,000 to 130,000 ounces of gold. Production began last week, and is expected to reach full capacity by January 1987, he said.

Gold Fields started exploration and operation at Mesquite in 1981. Since then, Hickson said, expenditures have exceeded $80 million. "Once production gets under way, annual production costs will be $22 million, including wages for over 200 employees, and we are planning on hiring more employees later on," he said.

Hickson said he had been hiring locally from El Centro and Blythe. "Our payroll will run over $6 million."

Gold Fields' parent company is Consolidated Gold Fields PLC of London, the second-largest producer of gold in the world. The company owns mines in New Mexico, Nevada, Texas, South Africa and Australia as well as California.

Hickson said more than 57 million tons of low-grade ore have been blocked out on the 2,000 acres of claims in the Mesquite Diggings area. He said drilling has uncovered additional ore bodies that will keep the company busy for the next 15 years or more.

"We will be mining ore from two pits, the Lena and the Big Chief. Each mine will be approximately 2,500 by 1,000 feet long.

A crusher with a capacity of 800 tons an hour is situated near the open pits. Crushed ore will be carried over Highway 78 by a 3,100-foot-long conveyor to a fine crusher and processing area.

When exploration work first began on the mines, Pinkerton security men were hired to guard them; now that the mines are going into production, the company has hired its own security guards.

Hickson says the company discourages visitors. No one is permitted to enter the mine area without first passing security at the entrance, and again when leaving.

But the Singers can view the mining operation from their trailer, which stands on what is now company property, watching their dream become reality.

Dick and Anna always enjoyed prospecting. Dick, a disabled World War II veteran, wanted to be an inventor, but followed his trade as a mechanic and radiator repair man. Anna is an artist. They shared a love for the desert and the quest for gold.

The Singers became infatuated with the Mesquite Diggings area. After much researching of old records and history of the mining in that area, they staked their claims and settled down there in 1957.

For years, the Singers worked their claims in the desolate region, selling the gold they mined to collectors and individuals. When desert temperatures sizzled above 125 degrees, the Singers would go to San Diego where Dick worked in a radiator shop to make enough money to return to the Mesquite Diggings.

"We barely survived sometimes," Anna said, "but we knew that what we were doing was putting together the many pieces of a mineralogical jigsaw puzzle, which eventually did reveal to us that the Mesquite Mining District was an excellent exploration area for large mining companies that had the expertise and capital to [illegible].

"We put together a prospector's geological map of all the area we had tested and began then to contact large mining companies."

The mining companies showed an interest and sent geologists, but they turned the property down, saying the area was too desolate and short of water, the ore too low-grade. In fact, many

aged. Gold values began to climb. The Singers established that water could be found in the area, and they kept records of all the assays and tests and what geologists from the large companies had said when they examined the area.

"We had organized the Gold Diggers, a group which was comprised of other mine owners in the area, and with their information and our findings and data, we began to build and round out the theory that there could possibly be more than one large, low-grade ore body in the area," Anna said. "We were sure we were on the right track."

Enter geologist Mike Harris.

"We first met Mike when he was working for the Hanna Mining Co. at Picacho Mine. We took

was involved with other interests and would not spend time or money in the area. But in 1980, Mike came back as a geologist working for Gold Fields Mining Co." Anna said. "Gold Fields brought in more geologists that were impressed, and, thus, the Mesquite Mines were born."

The Singers are proud of the history of the Mesquite Diggings and their part in its story. According to the Singers, Felisarro Parra discovered the gold placers (deposits) of the Mesquite Diggings back in [illegible].

Development of mines in the area began to expand when in 1877 the Southern Pacific Railroad, laying track eastward from Los Angeles, built through the Glamis and Mesquite areas and

supplies for the mines in the entire area as far north as Blythe.

Railroad and Mexican laborers worked the shallow diggings down to false caliche bedrock, a crust of calcium carbonate. Later, during the Depression, a few men out of work came into the district and sunk some shallow shafts on narrow but rich stringers and worked out pockets of gold.

Today, the Singers said, other companies are working in the area, including Chemgold Inc., which has been producing about 15,000 ounces of gold a year from its operations at Picacho Peak.

Newmont Mining has been carrying on operations in the Cargo Muchacho Mountains, and Anaconda Minerals has been exploring in the area. So have other

California Mining Journal, May 1985

Proposed National Park Status Would Eliminate Mining

by Russ Hartill
The Living West

This month's guest editorial is an open letter to the San Bernardino County Environmental Review Board and BLM regarding the proposed East Mojave National Park being advocated by environmentalists and the pending application for mining permits by Amselco Exploration for their proposed Colosseum Mine Project.

In 1980, the U.S. Department of Interior designated 1.4 million acres of Southern California the East Mojave National Scenic Area. A first in our nation, this national scenic area was created out of a dual concern—protection of natural resources *and* the continuation of traditional uses including mining and livestock grazing. The scenic area was created instead of a national park to permit mining while recognizing and protecting important natural features. Although the current plan respects mining's major historical and current role in the desert, it is being threatened by a handful of environmentalists lobbying for the creation of a Mojave National Park.

Park advocates consider mining within this 2,187 square mile area to be an "irresponsible use of public land." Grazing, off-road vehicle use, hunting, and even use of land for utility powerline corridors are also considered encroachments to their "gem of the California Desert", as they refer to this land.

Citing the BLM's tolerance of mining and multiple use of our desert as unacceptable, park supporters want the National Park Service to control the desert, thus preventing those uses they consider improper. In their place, they envision "improved dirt roads, a few paved roads, campgrounds with water and sanitary facilities..." and a park headquarters in the old Kelso depot.

Friends of the Mojave National Park emphasize that "within any campground all that is really necessary are simple conveniences. Not needed are more paved roads, extra so-called modern conveniences, constructed picnic grounds, etc." In this last sentence one can begin to appreciate their narrow-elitist view of who should be allowed to use our desert and who should not. Since only simple conveniences (water and sanitation only) would be found in their natural park, they wish to restrict use to only those wishing a wilderness experience. The idea of specifically not constructing picnic grounds seems to reveal their intentions to restrict/prohibit daytime family use of this land.

Forget about motorized travel within the park—motorcycles, ATVs, and off-road vehicles are apparently decadent devices of an evil world which will not be tolerated in their private utopia. If you get the impression that they are creating a private playground that only they are permitted to play in, you're not far off the mark.

In a published overview of his group's intentions and in a letter commenting on a proposed Colosseum Mine Project, Peter Burk, of Friends of Mojave National Park, continually acknowledges the historic value of old mining camps found within the proposed park's boundaries and considers them part of those qualities that make this area "unique," "breathtaking," and "invaluable."

Burk makes the statement that "nothing is sadder than for a civilization to lose touch with its past." I contend there is something sadder—losing touch with reality. While he touts the value of ghost towns and mining camps like Providence, Vanderbilt, Barnwell, Hart, and both Ivanpahs, Burk appears completely opposed to mining. Such hypocrisy if implemented 100 years ago would have prevented the creation of those values he now wishes to protect. One gets the impression Mr. Burk, et. al., is only interested in preserving early evidences of mining as examples of historic "irresponsibility." Such shallowness reveals an obscene disregard for our mining heritage. The false concern for mining history is only an attempt to rationalize the exclusion of mining in a mineral-rich area.

If ecology groups were so truly interested in mining history, they would appreciate the fact that history lives. The denial of mining in an area so rich in mining history would only serve to diminish the future value of this area in specific and our economic posture generally. The Clark Mountain resource area is the most mineralized area of its size in the entire California Desert. The total estimated value in known deposits of mineral commodities in this part of the Mojave Desert is 19.99 billion dollars (as of 1978) and includes rare-earth elements, thorium, limestone-dolomite, gypsum, gold, copper, silver, tin, tungsten, lead, sand and gravel.

Since 1972 my company, The Living West, has been studying the mining history of the California Desert. We have identified Ivanpah as one of 43 major historical mining sites in Southern California. Ivanpah has a near-Statewide significance rating comparable to Lookout and Cerro Gordo in Inyo County, has a high research potential and could possibly qualify as a California historic landmark. Contrary to Mr. Burk's group, The Living West does not use historic mining sites as an excuse to prohibit mining. Rather, we encourage responsible operators like Amselco/British Petroleum to develop and mine ore as a logical extension of previous activity in the hopes of interpreting both the past and the present in such a way that the important role mining plays in our civilization is reinforced and displayed for all to see. We are confident that Amselco's plan of operation is an environmentally (and historically) sound proposition that will enhance the East Mojave's historical character while adequately protecting its natural scenic qualities. □

BY THE COMPTROLLER GENERAL

Report To The Chairman, Subcommittee On Mines And Mining, House Committee On Interior And Insular Affairs' Of The United States

OF THE UNITED STATES

Mining On National Park Service Lands — What Is At Stake?

The Department of the Interior recommended to the Congress in 1979 that mining claims on certain National Park Service lands be acquired for environmental protection. GAO found that these recommendations were based on vague and misleading environmental and cost data and, if implemented, could result in costs substantially in excess of the reported estimates.

GAO believes that the Congress should defer any action to acquire mining claims on these National Park Service lands. GAO recommends that the Department notify the Congress that it no longer supports these outstanding recommendations and submit more thorough analysis of the need and costs of acquiring these claims.

GAO also found that Interior did not fully analyze the mineral supply implications of its recommendations. Specifically, Interior failed to assess adequately the effects of acquiring the mining claims on the U.S. need for the minerals and the cost to replace them from other sources.

The National Park Service now states that current mining regulations have ensured that mining on these park lands is occurring in an environmentally acceptable manner. However, NPS had not considered less costly means of achieving the same results. This is particularly true for Death Valley National Monument, an area historically and currently important for mineral production.

Request for copies of GAO reports should be sent to:

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The first five copies of individual reports are free of charge. Additional copies of bound audit reports are $3.25 each. Additional copies of unbound report (i.e., letter reports) and most other publications are $1.00 each. There will be a 25% discount on all orders for 100 or more copies mailed to a single address. Sales orders must be prepaid on a cash, check, or money order basis. Check should be made out to the "Superintendent of Documents".

SEPTEMBER 24, 1981

CHAPTER 3

DETERMINING THE VALIDITY OF THE MINING CLAIMS--A NECESSARY BUT UNFINISHED FIRST STEP

This chapter discusses the problems we identified with the procedures used by Interior to determine the validity of the mining claims and why these determinations have still not been completed, nearly 5 years after enactment of the law.

In hearings prior to the passage of Public Law 94-429, Interior officials testified that there were thousands of mining claims scattered throughout four of the six park areas. In fact, Interior officials estimated that as many as 50,000 mining claims and mill sites were located in Death Valley National Monument and approximately 3,000 in Organ Pipe Cactus National Monument. The Congress required that each claim holder record his mining claim with the Department of the Interior within 1 year of the date of enactment of the law. Once the claims were recorded, the Secretary was to determine which of the claims were valid.

Any unpatented mining claim or mill site location that was not recorded within the year or was found to be void or invalid through the validity determination process reverted back to Federal ownership.

NUMBER OF MINING CLAIMS DETERMINED AS VALID TO DATE AND REASONS FOR DELAY

Although Interior officials originally believed more than 50,000 mining claims were located in the six park areas, only 1,310 claims were actually recorded with the Department. Almost 5 years have passed since the enactment of Public Law 94-429, and Interior officials have still not determined the status of almost 50 percent of the 1,310 recorded claims.

The chart on the next page shows how many unpatented mining claims were thought to exist at the time of the enactment of Public Law 94-429, the status of the recorded claims as of September 1978, and their status at present.

NUMBER AND STATUS OF THE UNPATENTED MINING CLAIMS IN THE SIX PARK AREAS

Number of Mining Claims Estimated Prior to Enactment of Public Law 94-429

	Valid Unpatented	Invalid	Undetermined	Recorded
Death Valley			50,000	
Glacier Bay			270	
Crater Lake				
Mt. McKinley			300	
Organ Pipe			3,000	
Coronado				
Total			53,570	

Number and Status of Mining Claims as of September 1978

	Valid Unpatented	Invalid	Undetermined	Recorded
Death Valley	19	23	821	863
Glacier Bay	1		211	212
Crater Lake				
Mt. McKinley			74	74
Organ Pipe		59	102	161
Coronado				
Total	20	82	1,208	1,310

Number and Status of Mining Claims as of May 1981

	Valid Unpatented	Invalid	Undetermined	Recorded
Death Valley	44	486	333	863
Glacier Bay	1	13	198	212
Crater Lake				
Mt. McKinley		4	70	74
Organ Pipe		161		161
Coronado				
Total	45	684	601	1,310

In addition to the valid unpatented claims, Death Valley and Glacier Bay National Monuments contained a total of 138 patented mining claims. A patented mining claim refers to Federal land for which the Government has given legal title to an individual or individuals. Since the legal status of these claims is known, no validity determinations were required.

Wednesday, July 15, 1987 The Orange County Register A13

Wilderness tragedy

Three of 25 Mexicans die trying to walk across desert into Arizona

Associated Press

DATELAND, Ariz. — Twenty-five suspected illegal immigrants who tried to walk across 50 miles of searing desert ate toothpaste and took turns drinking urine as they fought to survive, one of them says.

Three men had died by the time federal agents found the group members Monday and Tuesday, authorities said. Two other men were hospitalized in stable condition.

Temperatures reached 111 in Yuma on Monday and may have reached as high as 120 in the desert where the group was found, said Al Saucier, assistant chief of the Border Patrol's Yuma sector.

Criminal charges will be sought against one member of the group who was believed to have served as the guide, officials said.

According to Saucier, the group crossed the U.S.-Mexico border at Los Vidrios, about 80 miles east of San Luis, Sonora, and had planned to walk to Interstate 8 near Dateland before heading for California, Saucier said.

All were believed to be Mexican nationals, Saucier said, adding that all were adults with the exceptions of two males age 16 and 17.

Group members told agents they had planned to pay a smuggler between $350 and $400 apiece to take them to agricultural jobs in the San Joaquin Valley.

The group got about 20 miles inside the border and then began to split up, apparently as a result of disorientation caused by heat and dehydration, Saucier said.

Each member of the group had a gallon of water for the journey across the desert, officials said. A person loses half a gallon of body water per hour in the desert heat, authorities said.

One of the survivors, 18-year-old Martin Flores Rodriguez, of Culiacan, Sinaloa, Mexico, said several of the men urinated into a bottle and took turns drinking from it. The survivors also ate toothpaste after they ran out of food, Flores said.

The Border Patrol learned of the group when agents found two of its members in the Dateland area Monday, huddled under the shell of an abandoned bus, Saucier said.

The two told agents they had left 23 others in the desert.

"If they had not been spotted, I don't believe anyone would have been found," Saucier said of the first two. He said they were 10 miles from the closest road when spotted.

Air and ground searches found 16 aliens before nightfall Monday and the rest Tuesday, officials said.

Patrol officials have been stepping up searches in the hope of preventing deaths along desolate stretches of the border.

Associated Press

Martin Flores Rogriguez, 18, and Rafael Garza, 28, were among 22 who survived in part by eating toothpaste and drinking urine.

Yuma, Arizona lies on the opposite [illegible] from the California Desert Conservation Area. Each year desert travelers die from the heat... the desert is a hostile environment. Portions of the California Desert are even hotter than where this tragedy took place. Backpacking or hiking in the desert can be very hazardous...Your vehicle is your life-support system in the California Desert Conservation Area.

THE DESERT PLAYA--- A DYNAMIC ENVIRONMENT FOR GEOLOGICAL RESEARCH, MILITARY USE, RECREATION, CONSTRUCTION AND TOXIC OR RADIOACTIVE WASTE DISPOSAL

Donald L. Fife, Box 1054, Tustin, California

ABSTRACT

Playa is the Spanish word for shore or beach. In English it has lost its original meaning and is used to described the dry lakes in the closed basins of arid regions. Playas often slope less than 0.2 m per kilometer and are among the flattest of all land forms. In the western North American desert there are hundreds of playas greater than 5 km.^{2} in area. The flat broad surface of a playa has important military as well as recreational uses. The Space-Shuttle may use these vast natural features as scheduled or emergency recovery areas throughout the arid regions of the earth. In addition to these important uses, many playas overlie valuable accumulations of lacustrine or evaporite minerals (Blanc and Cleveland, 1961).

Playas usually consist predominantly of clay minerals, carbonates, salines and zeolites with silt size particles of quartz, feldspar and other clastic sediments (Droste, 1961).

Playa sediments underlie many arid closed basins, including large alluvial plains adjoining active playa surfaces. Natural arid climatic conditions or pumping may lower the water table. As water levels in aquifers in contact with the clayey playa sediments are lowered, the arid environment allows the clay and hydrous minerals above the capillary fringe to desiccate building up stress. Giant polygons are formed when cohesion in the desiccating sediments is overcome by tensional forces. Explosive and seismic forces can trigger the initial rupture.

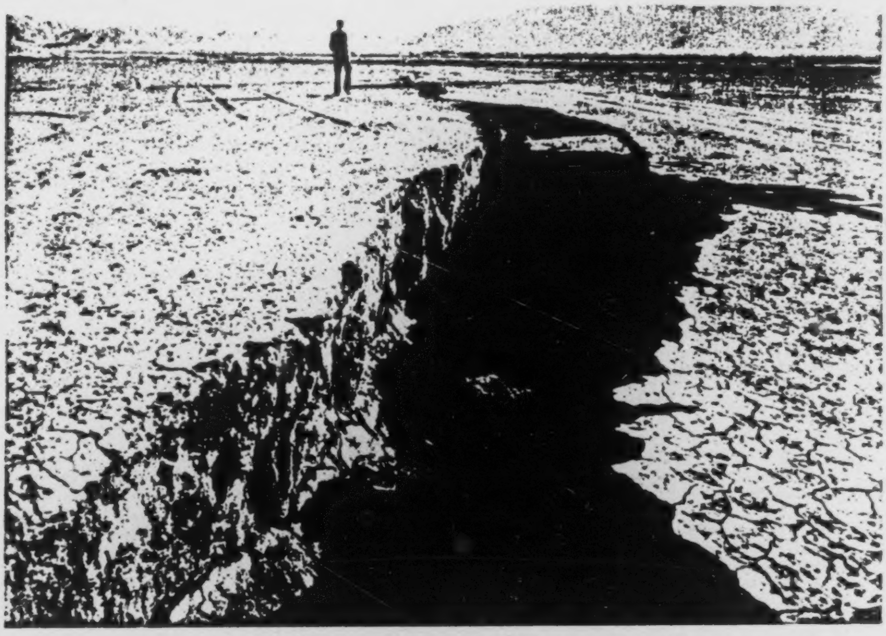

Photo 1. Mesquite Playa, Twentynine Palms, California. Playa fissure resulting from faulting, desication, and erosion as this ephemeral lake drained to the water table 90 m. below.

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*Presented to Southern California Section Association of Engineering Geologists, Los Angeles, CA. September 1981 (DLF(714) 669-0383.)

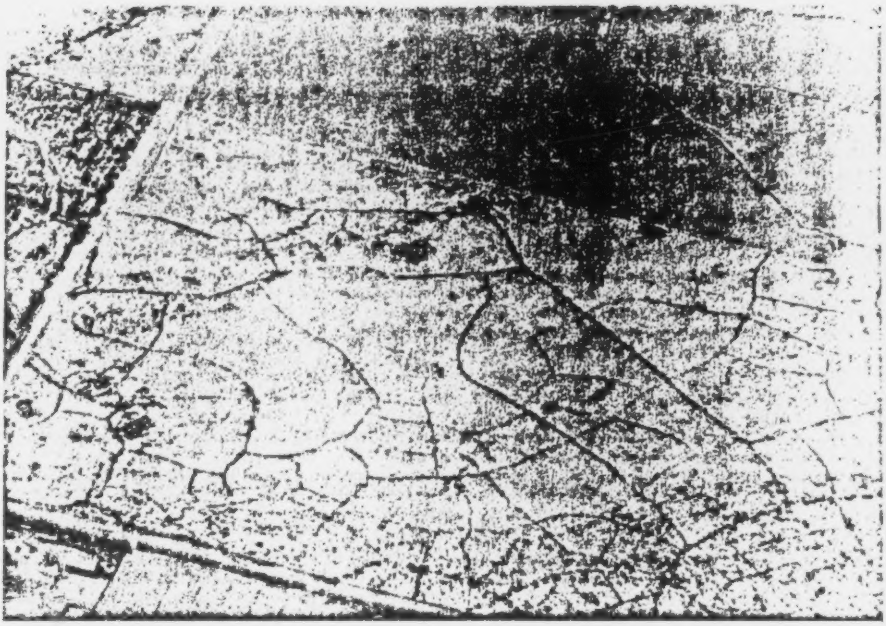


Photo 2. Aerial view of Lucerne Valley Playa, California. Giant desiccation fissures accentuated by vegetation growing in polygonal openings. Fissures were first observed here in 1942 when mining of groundwater "decoupled" the water from the upper portion of the clay body. Note the farmhouse and autos in lower left hand corner for scale.

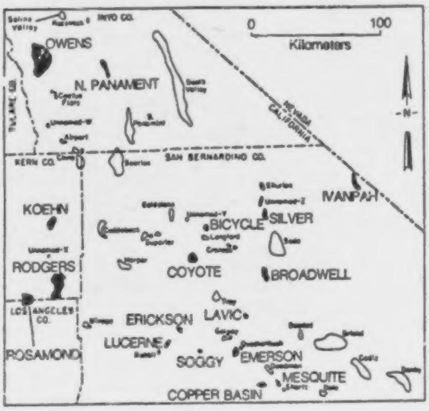
Playa fissures frequently gain attention when ephemeral flood waters exhume large conspicuous gulleys or fissures (Photos 1, and 2). The origin of most large playa fissures can be traced to smaller inconspicuous breaks related to: 1) faulting, 2) subsidence, 3) uplift, 4) massive desiccation, or 5) a combination. The first two causes are generally recognized by geologists and engineers working in the playa environment. However, in the author's experience massive desiccation, forming giant desiccation polygons is the most common cause and the least recognized original source of playa fissuring. Massive desiccation is defined as the moisture loss from clayey sediments or evaporites sufficient to produce giant desiccation polygons and fissures.

As playas are relatively homogeneous sedimentary bodies and normal stress and ultimate shear from massive desiccation can be predicted from the stress-strain elipsoid for individual playas, the geometry of playa fissures may be used to identify regional stress patterns if they were significant at the time of formation of the giant fissures (Fife, 1980).

Surface waters have been observed to recharge the water table directly through giant fissures. Reservoirs built over fissures may be rapidly drained after water establishes a connection with openings at depth. This tends to degrade the ground water quality and allows fissures to erode to spectacular dimensions. They may be greater than 1 m wide at the surface, and 0.5 m at depths of 6 m. During wet periods the fissures tend to "heal" and all surficial evidence may be erased during a single storm season. However, under favorable conditions, old fissures may be detected by geophysical methods, such as shallow refraction. Once desiccation is resumed, fissures tend to reopen along pre-existing polygon boundaries. With extreme desiccation, the polygons tend to divide into smaller and smaller polygons.

Fissures have the potential to store water which may become hazardously perched above tunnels or excavations in the playa. Fissures are commonly observed filling with windblown sand, and, where they pass beneath sand dunes, running sand can form "sand-stone dikes" which become semi-permanent conduits to the water table.

As playas have been proposed for disposal of radioactive and/or toxic wastes (Burnett and Taylor, 1973), the potential for fissures providing a conduit to the water table must be recognized. The fissures are hazardous to surface transportation and landing aircraft. When they occur beneath a structure, they may cause severe damage. The propensity for fissure development can be a danger to pipelines and power transmission towers. Fissures tend to originate in the weakest vertical zone, which may be an excavation, tower footing, or boring. Mitigation measures include awareness, avoidance, structural compensations and control or stabilization of moisture content.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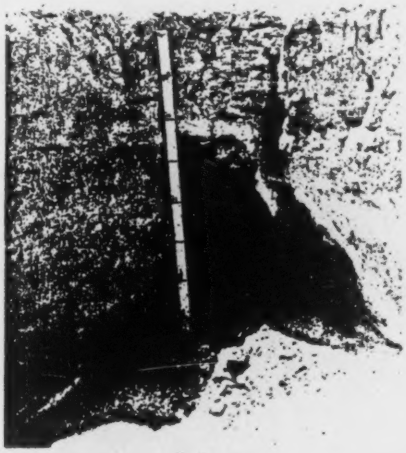
COYOTE
BROADWELL
LOS ANGELES CO.
ERICKSON
LAVIC
LUCERNE
ROSAMOND
SOGGY
EMERSON
MESQUITE
COPPER BASIN

Figure 1. Map showing in caps the location of some playas with evidence of active or late Holocene giant desiccation polygons and/or fissures. (Modified from Droste, 1961; Neal others, 1968).

Photo 3. Playa with a network of interconnecting subsurface channels bridged over by later playa sediments. This condition has the potential to drain a body of water above and store water in the subsurface. Shallow seismic refraction can sometimes be used to detect this condition.



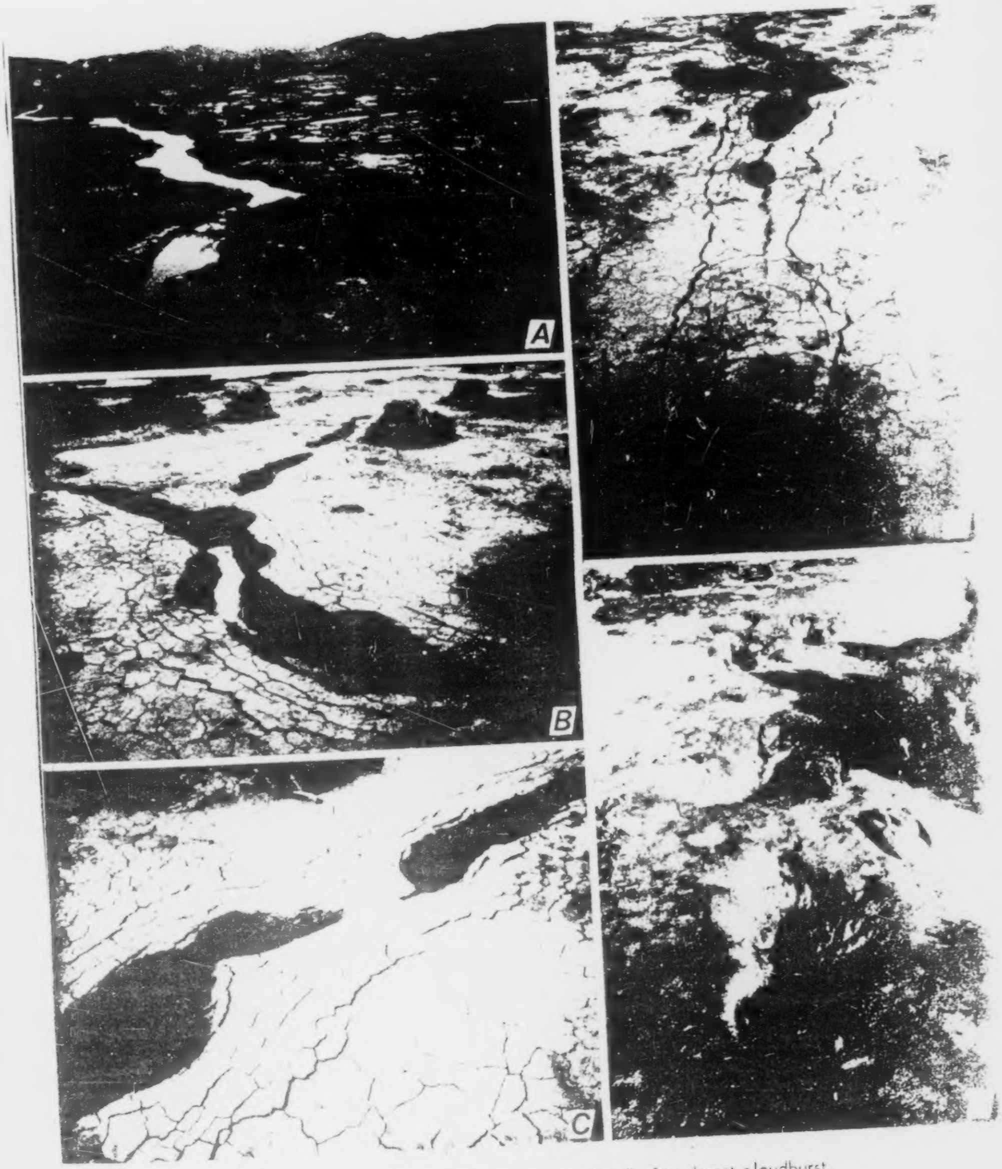


Photo 7A, B, C, D. Giant desiccation fissure "healing" after desert cloudburst.
Photo 7E. Giant desiccation fissure under sand dunes is filling with sand, creating a "sandstone" dike. All photos taken along southern margin of Lucerne Valley Playa in 1976.

COVER: Superconductivity, once a dead end, becomes the hottest thing in physics

Flying trains. Practical electric cars. Dime-a-dozen medical imaging machines. Normally cautious scientists are talking seriously about the prospects for these and other blue-sky inventions. Reason: a rapid-fire series of breakthroughs in substances that conduct electricity with perfect efficiency could eventually revolutionize technology. *See* SCIENCE.

TIME
Wiring the Future
THE SUPERCONDUCTIVITY REVOLUTION

Letters to the Editor

(Page 4 - THE LEADER - Wednesday - May 20, 1987)

Desert has Rare Earth

To the Editor:

While our university and commercial researchers are racing to bring a new technology to society; one that obviously could bring a better environment and quality of life to America via clean fusion energy, vastly more efficient electrical power transmission and smogless/noiseless electric automobiles; the environmental extremists are racing to pass U.S. Senate Bill - 7 "The California Desert Closure Act," ... a devastating conversion of 10 million acres of California's richest mineral lands into closed National and Wilderness Park status where society will lose access to our nations richest and only known region of Rare Earth mineralization.

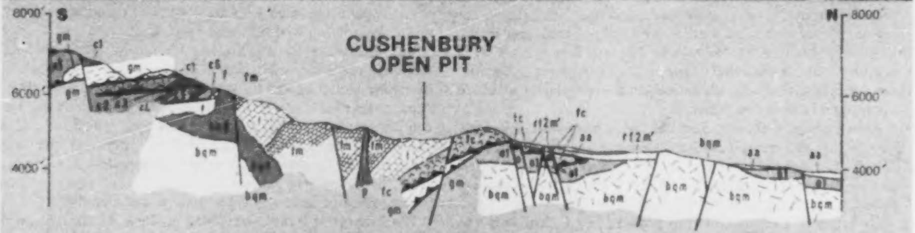
The Mountain Pass Rare Earth Mine in the middle of the proposed Mojave National Park supplies more than 97% of the western world's Rare Earth Lanthanides (Lanthanum, Cerium, Neodymium, Praseodymium, Samarium, Cadolinium, Europium, and others) that make the new superconductivity and supermagnetic technology possible. The surrounding region will be our prime source of new Rare Earth discoveries needed to meet the future demand to convert America to the new technology.

This freezing of society's superconductivity resources should not be too surprising, as it is just an extension of one of America's least known and most scandalous transfers of America's resource dependency to foreign sources such as South Africa and Soviet Block Countries. So much of America's resource base has been frozen or locked up away from society's access, some experts estimate an area equal in size to the states of California, Nevada and Utah combined, that it now seriously affects our balance of payments and has exported thousands of jobs overseas.

God help us if the promising new superconductivity technology makes us dependent on the only other known principal source of these high tech elements... in communist China!

DONALD L. FIFE

GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES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SOUTH COAST GEOLOGICAL SOCIETY - 1982

GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES

Edited by
Donald L. Fife and John A. Minch
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PREFACE

Observations on the status and state-of-the-art of economic geology in the California Transverse Ranges.

The purpose of this volume is to document and disseminate some of the new information on geology and mineral resources of the Transverse Ranges. These Ranges are one of the principal geomorphic provinces of California. They extend from Point Arguello and San Miguel Island along the Pacific Coast eastward some 300 miles to the Eagle and Chuckawalla Mountains just west of the Colorado River. They range up to 50 or more miles wide and cover an area roughly equivalent in size to Massachusetts and New Jersey combined. The Transverse Ranges Province consist of a series of long, narrow east-trending mountain ranges and valleys that are transverse to the northwest-trending Coast Ranges on the north and Peninsular Ranges on the south. Tectonic features are generally related to east-trending fault zones, however, the northwest-trending San Andreas fault makes "a great bend" as it passes through the province. The region is tectonically active and has probably been distinguishable as a separate province since the late Mesozoic or early Cenozoic, although not in its present configuration. Rock units from nearly all major eras and periods are represented, beginning with Precambrian rocks over two billion years old.

The last comprehensive work on geology of the region was in the *Geology of Southern California* Bulletin 170 of the California Division of Mines and Geology edited by Richard Jahns in 1954. The last documentation of individual mineral resources or commodities in the region are usually found in The California Journal of Mines and Geology dating from the 1940's or 1950's. The last comprehensive state-wide summary of mined resources was in *Mineral Commodities of California* Bulletin 176 of the California Division of Mines and Geology edited by Lauren Wright in 1957. Since 1960, very little in-depth regional research has been undertaken by government or academia with economic geology as a major objective. One possible exception has been the recent regional studies and classification of aggregate resources by the California Division of Mines and Geology brought on by a resource crisis created when planners and government leaders did not have factual up-to-date information available on which to base sound land use decisions.

During the past 30 years, there has been a revolution in exploration geology and mineral economics; while every text book on the subject has been thoroughly revised several times. However, geology and mineral resources of the Transverse Ranges have been largely neglected in the literature.

During this same period, the population of California has doubled and now represents the single largest industrial and agricultural market in North America. If the gross regional product of California were ranked with the gross national products of nations, it would rank with the top ten nations in the world. Mineral exploration is the R & D of mineral industry. Regional economic geology and mineral commodity studies are the foundation of mineral exploration. The lead time to open a new mine now in California commonly exceeds 20 years or more. Basic state-of-the-art regional geologic and specific mineral commodity studies are necessary to keep California and the United States competitive with the rest of the world and to maintain our standard of living. Composing only 5% of the world's population, Americans consume about 20% of the world's production of nonfuel minerals. Each Californian requires on the order of 40,000 pounds of new mineral commodities each year just to maintain his or her standard of living.

California is now one of the most important mineral and hydrocarbon producing states. However, we also import mineral commodities to supplement our growing economy from all over North America and the rest of the world. Many of these imported commodities are known to exist here and many if not most could be found and developed under proper political and economic incentives. Of particular importance are the bulky nonmetallic low unit price commodities for which the freight cost to California may exceed the purchase price elsewhere. Examples are mineral filler extenders and phosphate rock. As the largest agricultural state in the United States, we are the largest consumer of phosphate and import 100% of our supply, yet we have done almost nothing to promote exploration and development of known local phosphate occurrences and deposits that could potentially save millions of barrels of petroleum (a strategic commodity) which is used to process and import phosphate from other regions. Mineral filler extenders, such as limestone, mica, silica and talc, used as filler to replace petroleum in expensive petroleum-based plastics, paints, and rubber are commonly purchased east of the Mississippi River for less than the cost of the rail transportation to California.

The Transverse Ranges are host to several giant petroleum fields and major deposits of diatomite, iron, kaolin, high-calcium limestone, titanium, and tungsten. Significant known deposits or occurrences of alumina, barite, borate, cerium, chromium cobalt, columbium, feldspar, gold, mica, molybdium, phosphate, silica, silver, tin, uranium, vanadium, yttrium, ytterbium and many other elements or minerals strongly suggest society needs to consider the Transverse Ranges as an importrant repository and future source of these and other mineral commodities.

The Transverse Ranges are found in Santa Barbara, Ventura, Kern, Los Angeles, San Bernardino, and Riverside Counties. Approximately 90% of the nonurban areas of remote continental shelf and/or mountain terrane is federal or state lands, and under the management of the Forest Service, Bureau of Land Management, Park Service, Department of Defense, and State Lands Commission. Nearly 50% of California is federally owned, and contrary to popular belief, federal ownership of the state has been increased by more than 2 million acres during the past few years.

Because of their federal ownership these lands are not generally threatened by urban or other development. Like most of the remaining western public lands, there is a misconception promoted by an influential but obscurant vocal minority that all public lands must be "preserved" or "saved" from multiple use by designating them for the consumptive land use (non-use) known as "wilderness"; a status which exceeds the strictest status of a National Park or National Monument, and, of course, total removal from the industrial-energy-mineral base of the United States. Since 1964, the nation has reduced its industrial-energy-mineral base through actual or defacto wilderness withdrawals (resource freezes) of an area nearly twice the size of the State of California. And, this at a time when the Soviet Union is expanding their industrial energy-mineral base into the vast expanse of the Asian Continent. The Soviet Union has almost a 3 to 1 advantage in energy-mineral land base over the United States. Each new wilderness or resource freeze has the effect of increasing the Soviet advantage in exploration area and exporting present and future jobs overseas. Many of these jobs are created in Soviet block countries.

This volume contains a sampling of reconnaissance mineral resource studies for proposed wilderness areas (Wilderness Study Areas-WSA's) taken from open-file or unpublished files of the U.S. Geological Survey, U.S. Bureau of Mines, and U.S. Bureau of Land Management. Most of these add to our knowledge of these areas, but the professionals were given the impossible task to "inventory" the WSA's with only cursory geochemical, geophysical, and geological reconnaissance studies. Commonly, few if any excavations, drill holes, cores, or detailed geophysical or geochemical surveys were available. The regional economic mineral data base for large areas are generally inadequate for rigorous statistical treatment; "low mineral potential" really means "unknown mineral potential" in a substantial percentage of the WSA's.

The authors generally are experts in their specialities and their professionalism is widely respected. However, the task of "inventorying" the mineral potential of such large geologically complex areas for possibly unique mineral occurrences is impossible. Normally only previously identified resources are documented in such reports. This is especially so when "only deposits that are economic at the time of the examination" will be considered in the mineral potential of the area. The size of the potentially economic targets could be as small as a few tens of feet in length or diameter. For example in the Oriental Mine in Alleghany, California, one ore-shoot which measured 22′ × 14′ × 6′ produced an astounding 35,600 ounces of gold worth more than $14,000,000 at today's prices! It is extremely doubtful that a reconnaissance mineral study into a virgin territory could identify such an ore-shoot. Yet, more than 1,000,000 ounces ($400 million 1982 dollars worth) of gold has been mined from narrow, irregular and highly erratic ore-shoots in the immediate vicinity along part of a Jurrassic plate-boundary now known as the Melones fault zone.

Ruff and Unruh in the South Coast Geological Society's 1980 Geology and Mineral Wealth of the California Desert volume describe $600,000 worth of specimens mined and shipped to Europe from the Copper World Mine, in San Bernardino County. This mine lay abandon for sixty years and it is doubtful that this resource would have been identified in a typical mineral inventory.

Another virtually impossible-to-"inventory" mineral resource was found by a non-metallic mineral producer who discovered a dolomitic marl from a common-looking lacustrine deposit increased fuel efficiency in the kiln feed by 5%. With a fuel bill of $2,000,000 per month that adds up to a $1,200,000 savings the first year.

A common conclusion of many of these reconnaissance wilderness mineral reports is that 1) because the area has been "prospected for more than 100 years" and no mines exist, and/or 2) the old mines are abandoned and "worked out" that no mineral potential presently exists. Obviously, these are not scientifically valid reasons for assuming low or no mineral potential exists. All of the above have been said of the San Gabriel anorthosite complex and Mt. San Antonio areas of the central Transverse Ranges, yet this volume documents some of the most significant mineral occurrences or deposits in the state are found there. For example, the Curtis Tungsten Mine in Cattle Canyon was walked over and worked for placer gold by hundreds of prospectors and miners for more than a hundred years. Several years ago a small miner named Andrew Curtis discovered in an old auriferous channel what is now reported to be a world class scheelite deposit with potential to supply a significant portion of the United States demand for tungsten. It should be pointed out that this deposit is currently being recommended to Congress for inclusion in the Sheep Mountain Wilderness Area!

Another case is the Rare Earth deposit at Mountain Pass, California, where 60% of the Western World's rare-earth reserves were discovered by three uranium prospectors, Herb Woodward, Jim Watkins, and "Pop" Simon, in 1949 in a belt several thousand feet wide and several miles long, and perhaps 3,000 feet deep. The Sulfide Queen Gold Mine operated for years almost on top of the rare earth ore-body. Hundreds of prospectors and dozens of geologists had walked over it, while millions of motorists drove over it on their way to California. There was suddenly so much rare earth materials, as well as no known way to process it, that the deposit would not be considered economic, and, therefore, not a valid discovery under today's mining laws and excessively strict rules of marketability. As in practically every mineral discovery, it took considerable capital to make the deposit economic. In 1980, Warren Warhol in the South Coast Geological Society's Geology and mineral Wealth of the California Desert notes "*. . .that many of the uses of the rare earths were developed only after their commercial availability was demonstrated . . .on a scale which was only made possible by the Mountain Pass orebody. The research and development efforts that followed created . . .the economic value of the orebody. It is easy to overlook the significance of this order of events; that is, the discovery value and its contributions to the technologies of chemistry, metallurgy, glass, electronics, and petroleum refining.* ***The lesson to be learned is plain: If this area had been closed to mineral entry in the past, not only would the benefits from this resource have been postponed, but its value would still not be established.***"

The vast majority of deposits cannot normally be identified by simply walking over them and sampling the surface. Detailed geologic mapping on scales at least two orders lower than 1:24,000 are generally needed to identify and delineate potential economic targets. Expensive core-drilling, subsurface excavations and economic studies are frequently needed to prove a discovery. Producing mines or economic mineral deposits are rarely just "found" or "discovered".

Regional geophysical studies can be important, but their limitations are frequently not recognized in identifying mineral potential in wilderness study area. For example, Robert L. Wilson, Chief Geologist for Kaiser Steel, was surprised to find that the spacing on government areomagnetic maps of the Eagle Mountains were so widely spaced that the contour of magnetic data failed to show a magnetic anomaly over their Eagle Mountain Iron Mine with reserves exceeding 300 million tons of predominantly magnetite! This mine is 6 miles long and a mile wide, and is reported to be the fourth largest open pit mine in the United States, and the largest iron mine west of the Mississippi River!

New mining operations usually come into being from a necessity to meet or fill a need of society to maintain or advance the standard of living. In other words, an existing or potential market must normally be identified. A prominent exception, above, was the discovery of the Mountain Pass rare-earth bearing carbonatite which contains most of the western world's rare-earth reserves. The discovery suddenly produced a quantum leap in available rare-earth elements which justified the risk of millions of dollars for research. This single discovery has made the United States the predominate world producer of rare-earths, such as europium, which activates crystals of yttrium to produce red color in television picture tubes; and samarium, which when alloyed with cobalt, produces a magnet so powerful that used in the conventional electric motor it increases efficiency by more than 25%. With the coming light-weight plastic battery, samarium may be a significant factor in development of the pollution-free electric automobile!

It can be inferred from the Andrew Curtis Tungsten and Mountain Pass deposits, as well as from hundreds of other deposits, the small-miner/prospector/geologist/explorationist is not obsolete in the exploration process. In view of the lack of federal, state, and academic mineral resource studies and support during the last few decades, many of the recent discoveries would not have been made without the small miner or independent explorationist. However, this should not be too suprising since the history of the west is in large part a history of discoveries by the small miner/prospector. Large resource companies identify the majority of their exploration targets either directly from the small explorationist or from evidence of their previous efforts. Most successful major and many small mining operations were reviewed by literally dozens of companies over a period of years before someone made the commitment in dollars and cents to risk making the *"mineral discovery"* an operating mine.

The exploration capital needed to evaluate even the small mineral deposits as economic commonly exceeds a million dollars, and for larger, single deposits, may exceed tens of millions of dollars. Most small explorationists must bring their prospect to a large mining company and convince them their *"discovery"* merits capital outlay for more exploration and development.

The mining engineers and geologists who have been assigned the task of making mineral "inventories" or "assessment" of vast areas proposed for wilderness in the Transverse Ranges and other regions of public lands, have actually been the victims of a myth we geologists have perpetuated. Mason Hill in his response upon receiving the 1981 American Association of Petroleum Geologists' Sidney Powers Award, correctly identified a major intellectual flaw in the concept of the mineral "inventory":

Actually, geologists are partly to blame because we have been persuaded to tell the decision-makers how much oil is left to be found. They have flattered us by saying, 'Only you geologists can know.' Consequently, many of us have tried, rather than to admit that quantifying estimates of undiscovered oil is impossible.

Perhaps the outstanding example of this effort to please our bosses comes from figures provided by the U.S. Geological Survey in 1975. I claim that all such estimates are meaningless, and only accidentally could they lead to good economic and political decisions. I do not fault their methodology, including expressing the amounts of oil at 5 and 95% confidence levels. What I do fault is the underlying assumption that undiscovered oil can be quantified. We know, and the public needs to know, that each occurrence of oil is unique. Only by drilling reasonable prospects, usually based on optimistic geologic interpretations, can oil be found and barrels counted. Estimating amounts of undiscovered oil in any potentially favorable area before drilling is patently impossible. Adding up estimates of undiscovered oil in all such areas only compounds the fallacy of the basic assumption—that geologists can know about how much oil remains to be discovered.

Although estimates of undiscovered oil 'manufactured' by other agencies, institutions, and even by the oil industry itself now generally agree with the Survey's figures (or vice versa), any quantitative estimates of the unknowable can only serve to mislead the decison-makers. What the industry (and society) really needs is more geologic and geophysical work, more exploratory wells, more financial capacity, and more governmental and public support - not obstructive tactics—to find new oil. If the current pessimism (or optimism for solar energy) persists, we are likely to leave great quantities of a relatively cheap. clean, and efficient source of energy in the ground. This we cannot afford."

If this is true for petroleum, then the complexity of identifying —"inventorying"—unique one-of-a-kind metallic or nonmetallic deposits is infinitely more difficult. Mineral assessment does not only deal with evaluating geologic and mineralogic factors in the field, but to be valid must assess all future raw material demands for manufacturing, military, and agricultural needs. Thus, the task of identifying or inventorying mineral reserves or even potential resources over a large area is so complex, diverse, and dynamic, reason dictates that as much land as possible should be perpetually left open in the United States to mineral exploration. Exploration is *not* incompatible with other multiple uses, including wilderness, because vast regions are needed to search for geologic anomalies that are the potential economic mineral deposits. Once a deposit is identified, only a tiny fraction of the exploration area is needed to extract the resource. At Mountain Pass, most of the western world's rare earths come from an area of less than 50 acres, yet this is the only known deposit of its kind in all of continental North America. Rational exploration would suggest that as much land as possible be left open as many mineral deposits have been found by accident, not by any systematic search; or while looking for some other resource.

For example, the worlds largest borate (borax) deposit near Boron, California, documented by Siefke in the South Coast Geological Society's 1980 Geology and Mineral Wealth of the California Desert, was found accidently by a physician, John Suckow, while drilling for water. This deposit has for the past fifty years made the United States the predominate producer of borates in the world.

Conservation is defined as the wise use of a resource. Preservation is only one aspect of conservation. We should not attempt to make all of the public lands a wilderness park, this concept is gradually endangering the concept of preservation of truely unique areas like Yosemite, the Grand Canyon, Yellowstone, and other true national treasures. These should obviously be preserved, however, the cost of locking up 75% of the western public lands we can ill afford. Because so much of our national wealth is now being locked up in wilderness parks, when society discovers the true impact and cost, all wilderness will tend to lose credence.

Many uninformed conservationists have suggested we "bank" the nations mineral resources in wilderness areas without any idea of the cost to American society. In 1978, Anders, Gramm and Maurice at the International Institute of Economic Research at the University of California, Los Angeles published the results of their study entitled "*Does Resource Conservation Pay?*" It contains some very sobering answers to the cost of "banking mineral resources" in the public domain, such as wilderness parks.

Conservation was considered a comparative compound interest problem. "*If use of a resource is delayed, the price of the resource may rise during the period of withholding. Alternatively, the resource could be extracted and sold and the net proceeds could be invested. If the rate of appreciation is greater than the rate of return, conservation is rational. . .*" However, "*at any time during the twentieth century, enforced long term conservation* (*withholding*) *of mineral resources would have been a poor economic decision*" for both the generation which made the decision and those which later used the resource. "*Imminent exhaustion of a resource has historically not been a valid justification for enforced conservation, either by stockpiling or by leaving the resource in the ground.*"

The above authors concluded, after studying the historical prices of 14 depletable resources including aluminum, petroleum, and precious metals, that none would be more valuable if produced today than their value produced each year and the profit reinvested at the prevailing rates. ***To stockpile one barrel of crude petroleum in 1900 would have required a 1975 price of $12,900 per barrel to break-even. The average break-even price for the 14 depletable resources stockpiled in 1900 exceeded the 1975 market price by 929,000 percent***!

The unmistakable conclusion, given the tens of millions of acres now withdrawn or being proposed for exclusion from energy and mineral exploration in the consumptive land use known as wilderness, will cost American society not millions or billions, but ***trillions*** of dollars in lost economic opportunity over the next few generations. This economic loss will effect not only our future standard of living and quality of life, but will fall hardest on those at the lower end of the economic spectrum. ***Perhaps the greatest effect will be on the security of United States itself.***

In a 1940 speech at Berkeley, California, Olaf P. Jenkins, then Chief Geologist of the California Division of Mines, recognized a critical concept which was soon to be tested by the impending second World War:

No nation on earth possesses all the various minerals needed. In time of peace, to overcome this deficiency, the necessary deficient minerals are imported. In time of war, however, restriction of importation may be so serious to certain industries of a nation as to cripple that nation both from a military standpoint and from a standpoint of internal development.

Present day national defense should not and does not consider military defense alone, but it is studying with great care that possibility (which may turn out to be much the more serious) of economic warfare, should the balance of power become so unbalanced as to leave one power to dominate the earth. This could come about should one power possess all the various minerals needed in all its industries.

It behooves us all, therefore, who are in this work of studying minerals, their origin, development, and their significance to the growth and existence of a nation, to look towards the strategic problems of national defense as in large part the problems of the mineral industry.

These concepts are just as true today as they were in 1940, and they will certainly be true for the foreseeable future. However, the Soviet Union, with one-sixth of the world's surface area and the largest energy and mineral resource base of any nation, is precariously close to possessing all of the various minerals needed to become independent of other nations.

As the Soviet Union with its nearly three-fold advantage in land to find energy and mineral resources expands into the vast expanse of Asia, it will likely reach total self-sufficiency in strategic energy and mineral resources. Once this has been achieved, it will not need to conquer territory, but will ***only need to politically destabilize sources of raw materials vital to the West to inflict grave economic damage***. Fred Warshofsky updates Jenkins 1940 statement in his 1981 Reader's Digest article *Strategic Minerals: The Invisible War:*

"*While most Americans are worrying about the energy crisis, an even more serious resource crunch could bring the U.S. economy to its knees. Of the 36 non-fuel minerals essential to the United States as an industrial society, we are crucially dependent upon foreign sources for 22 of them. In 1980, we were obliged to import 91% of our chromium, 88% of our platinum-group metals, 93% of our cobalt, and 97% of our tantalum and manganese. By contrast, we were only 42% dependent on imported oil.*

Chromium, for example, is widely used in oil refining, petrochemicals, conventional and nuclear power plants, tanker trucks, gas turbines, industrial machinery and in all stainless steel. In some applications, demanding high strength and high-temperature corrosion resistance, there is no substitute for chromium. Yet our major sources of supply are South Africa and the Soviet Union.

Cobalt, essential to jet engines, nuclear-propulsion systems, high-speed cutting tools, synthetic-fuel production and high-grade steels, comes from Zaire and Zambia; manganese, essential to steelmaking, is imported primarily from South Africa, Brazil and India; tantalum, used mainly in machinery and electronic components, comes from Thailand, Canada, Malaysia and Brazil; and platinum, used for its properties as a chemical catalyst, comes largely from South Africa and the Soviet Union."

Even gold has become a strategic commodity. Each commercial or military jet requires a significant fraction. The chrome steel jet engines are welded together with 85% gold-15% nickel alloy which is highly resistant to vibration and metal fatigue. A thin layer of gold is sandwiched in the aircraft windshield so that low voltage current can be trickled through to de-ice the windshield. An ordinary 747 requires about 150 ounces of gold for its construction. Gold is also in great demand for electronic components of space probes and satellites. A recent U.S. Bureau of Mines monthly commodity summary listed about 445,000 ounces of gold bullion imported into the United States. The Soviet Union supplied 40% and the South Africa 38% of our imports for the month reported!

As documented by Clark, Ely, and Ruff and others in this volume, the Transverse Ranges have significant occurrences of gold and a geologic environment favorable for various kinds of deposits, including large low-grade disseminated occurrences like Homestakes Napa County in northern California or Gold Fields Mesquite deposit at the southeastern end of the Transverse Ranges in Imperial County.

California as a leading energy and mineral producing state has an exceedingly out-dated resource information base on which to make multibillion dollar resource decisons. How can we remedy the vacuum left by the neglect of mineral resources of the last generation?

First we must realize that true conservation means wise use not necessarily preservation. And also that mineral exploration is not necessarily incompatible with wilderness. We must make rational decisions with up to date and factual information. This must be weighed with economic and national security resource needs. We must understand the dynamics of geologic exploration and mineral economics. ***A mineral inventory or assessment is only valid when it addresses present and future resource needs of agriculture, manufacturing and national defense. It should be understood that there is a substantial price tag for designating vast wilderness parks.***

A closer working relationship between federal and state government, academic institutions, the mineral industries, and other affected segments of society must be re-established. A first step in this direction would be for government and industry to promote centers of academic excellence in both northern and southern California for mineral technology, mineral economics, and mineral and energy exploration. A generation ago we had several such schools, or departments and these should be revitalized.

In the 1950's, California had a technical and research presence of the U. S. Bureau of Mines within the state. This should be re-established in both northern and southern California, in conjunction with appropriate state resource agencies and the local academic communities. The U.S. Geological Survey should have a stronger field presence in southern California to compliment the Menlo Park office in northern California.

Urban as well as non-urban "loss of energy and mineral resources" should be addressed statewide as the Urban Master Plan, Bulletin 198 of the California Division of Mines and Geology recently (1973) did for aggregate and other resources threatened by urbanization.

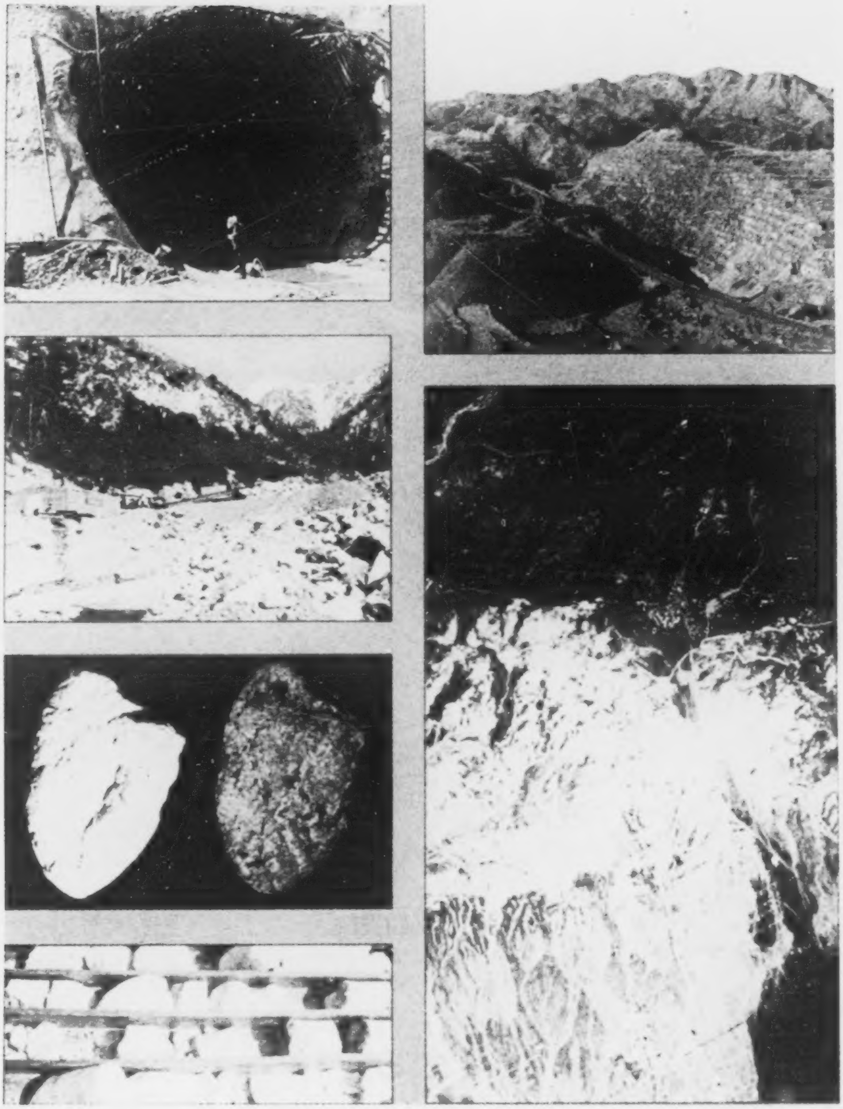
The excellent topographic and orthophotographic mapping program of the U.S. Geological Survey should be continued and expanded to give 1:24,000 scale coverage statewide, especially remote potentially mineralized areas. The degree of basic geologic knowledge is usually related to the adequacy of the topographic map available for geologic mapping.

Studies of mining districts should be updated with new economic and geologic models of ore accumulation. These districts should be designated Known Mineral Resource Areas (KMRA's) much like KGRA's were designated for geothermal resources during the 1970's.

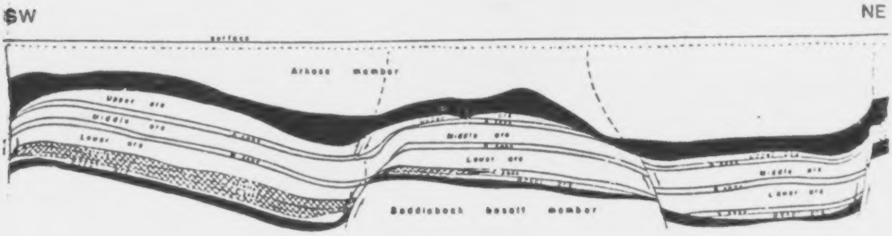
Publications such as Mineral Commodities of California and the Legal Guide for Prospectors and other important publications should be updated and published. It is strongly recommended that the State Division of Mines and Geology or other institutions reactivate the California Journal of Mines and Geology or similar vehicle for timely dissemination of economic geologic information.

This volume has been prepared by volunteer efforts somewhat along the editorial guidelines of the discontinued California Journal of Mines and Geology. It is our intent, to stimulate economic and geologic interest by academic institutions, federal and state resource agencies, miners, exploration managers, mineral commodity specialists, planners and legislators in the Transverse Ranges.

Donald L. Fife and John A. Minch—Editors



GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA DESERT



SW
NE
surface
Arkose member
Upper ore
Middle ore
Lower ore
Middle ore
Lower ore
Saddleback basalt member
Middle ore
Lower ore

SOUTH COAST GEOLOGICAL SOCIETY — 1980

PROLOGUE

Mineral inventory or assessment of large areas must consider not only the geology and mineral economics of the region, but to be meaningful to society, must consider all present and future mineral commodity demands for agriculture, manufacturing and national defense. Until such insight is possible, no final mineral inventory or assessment can be made. Long term economic stability and military survival favors the society with the most diverse, accessible, productive, and secure energy and mineral resource base. Therefore, as much area as possible should remain open perpetually to energy and mineral exploration.

Donald L. Fife and John A. Minch,
Editors 1982

FOREWORD

The California Desert is a vast region that includes all of southeastern California from Owens Valley on the north to Imperial Valley on the south; from Antelope Valley on the west to Death Valley on the east. The boundaries of the Desert, drawn arbitrarily in places, encompass 25 or 30 percent of California—an area equal in size to the State of Ohio or Pennsylvania.

This area was selected by the South Coast Geological Society for its 1980 project to focus on the diverse geology and to document some of the California Desert's tremendous mineral wealth. The South Coast Geological Society is a nonprofit independent organization of more than 100 earth scientists in Southern California. This volume has been produced and published by the volunteer efforts of numerous geologists and others interested in the Desert. The papers in this volume represent many thousands of hours of work from individuals, private corporations, academic institutions and local, state and federal governments.

A study released September 30, 1980 by the Bureau of Land Management listing the "known in-place value" of 25 selected energy and mineral commodities valued them at greater than $600 BILLION in 1978 dollars for a portion of the desert. It is obvious that the total mineral wealth of the California Desert far exceeds one TRILLION 1980 DOLLARS.

The difficulty of the task of "inventorying" mineral potential of such a large and diverse area is not generally appreciated by the layman. The objective of making a "real inventory" is so monumental that no organization has the time nor the financial resources to complete an accurate inventory. An undertaking of this magnitude may not even be feasible over such a vast region as the California Desert. The very words "exploration" and "discovery" allude to the complexities of geology and mineral economics.

In 1920 uranium was a curiosity, not an economically valuable element; in 1940 europium and cerium had few or no commerical uses, nor did zeolites prior to 1960; and in 1970 aggregate producers would not have considered deposits with 20 percent waste. However, deposits of these commodities are now economic in the proper context. Uranium exploration now abounds in the California Desert, and on the Southern California urban fringe, aggregates are profitably mined with up to 50 percent waste!

This volume is intended to bring to the reader a perspective on one of the most diverse and complex geologic regions in the United States. The greatest land use decision in the history of the State of California is being considered with little understanding by the general public of the importance to the economic well-being of the nation.

Donald L. Fife and Arthur R. Brown, *Editors*
October, 1980

EPILOGUE

"Appraising mineral resources is an emerging science. A final, once and for all "inventory" of any mineral resource is *nonsense*. Mineral reserves and resources are dynamic quantities and must constantly be appraised. As known deposits are exhausted, unknown deposits are discovered, new extractive technologies and new uses are developed and new geologic knowledge indicates new areas and new environments are favorable for mineral exploration."

From *Mineral Prospectives 1975*,
U. S. Geological Survey Professional
Paper 940, by Vincent McKelvey, 1976
Director, U.S. Geological Survey (1972-1978)

'Don't Bank Minerals,' Institute Says

The United States faces a long-term resource crisis only if we bank our minerals (leave them in the ground for future generations), according to a paper published in July, 1978 by the International Institute for Economic Research. The paper, *Does Resource Conservation Pay?*, is authored by Gerhard Anders, W. Philip Gramm and S. Charles Maurice.

In an introduction to the report, Hendrik S. Houthakker said, "In the current debate over energy policy, the oposing factions nearly always agree on one point: the purported need for conservation. To be sure, there is less consensus on the desireable extent of conservation, or on the means (voluntary, mandatory or tax-related) by which it is to be achieved."

The authors treat the conservation of natural resources in depth starting with the conservationist's premise that natural resources are being exploited too rapidly and political controls must be applied to save some of the resource for the future. They do not ignore the doomsday warnings that finite resources are nearing exhaustion—that ages-old argument which has been given new respectibility by the computer.

"At any time during the twentieth century, enforced long-term conservation of mineral resources would have been a poor economic decision" for both the generation which made the decision *and* those which later used the resource, the report says. "Imminent exhaustion of a resource has historically *not* been a valid justification for enforced conservation," either by stockpiling or by leaving the resource in the ground.

The authors conclude, after studying the historical prices of 14 depletable resources including aluminum, petroleum, coal and precious metals, that none would be more valuable if produced today than their value produced each year and the profit reinvested at going rates. To stockpile a barrel of crude petroleum in 1900 would require a 1975 price of $12,900 to break even, the report says. The average break-even price for the 14 depletable resources exceeded the 1975 market price by 929,000 percent.

Two basic elements were in error in the Malthusian principles relating resources and population, the report says. (1) Technology is bounded by a fixed resource base; (2) Man is capable of adapting only to an environment with narrowly limited spatial boundaries. All doomsday theories have proven invalid by subsequent history.

We will face a long-term resource crisis only if we eliminate the market incentives for innovation and investment, the authors conclude, or if we reduce the scope of market forces through withdrawal of resource production capability. "The only nonrenewable and nonsubstitutable resource is the set of institutions known as a market order which eliminates crises with respect to physical resource," the paper says.

Original Paper 14, *Does Resource Conservation Pay?*, is available from the International Institute for Economic Research, Westwood Center, Suite 1625, 1100 Glendon Ave., Los Angeles, CA 90024.

from the GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES

S-7 WILL PUT
THE EASTERN
PART OF THIS
MINING DISTRICT
INTO WILDERNESS
(BIG HORN MTNS)

Carbonate Resources, Lucerne Valley Limestone District, San Bernardino Mountains, California

SUMMARY

The Lucerne Valley Limestone District is one of the most important limestone producing districts in California and in the United States. Limestone products of almost all types are produced from the carbonate resources found in the metamorphosed and structurally complex Furnace Formation of the central San Bernardino Mountains.

ECONOMIC GEOLOGY*

Regional. White Mountain, the westernmost portion of the Lucerne Valley Limestone District, consists of several carbonate properties containing principally calcite limestone, with some dolomitic limestone and dolomite. All carbonate rocks in this district have traditionally been mapped as the Furnace Formation by most workers. The Furnace Formation has been quarried in Cushenbury Canyon since at least 1947 (Gray, 1982, this volume). Cushenbury Canyon is presently the source of large tonnages of limestone used in Kaiser Cement Corporation's newly-expanded cement plant, located about nine miles east of White Mountain (Rzonca and Clark, 1982). Kaiser Steel obtains large tonnages of metallurgical-grade limestone from their quarries at Marble Canyon. Pfizer also obtains high-brightness calcite limestone from this same source, but in addition owns extensive properties in Furnace Canyon. Pluess-Staufer operates the Sentinel Quarries, four miles east of White Mountain adjoining Pfizer's Furnace Canyon quarries, near the crest of the range. Partin Limestone operates a small quarry at Terrace Springs, 15 miles east of White Mountain, near the Silver Reef-Blackhawk landslide complex on lower Arrastre Creek, below and north of Smart Ranch. Partin produces "Cal White", a sand-size white-pigment limestone commonly used in white stucco and swimming pools. Charles Pfizer—Mineral and Pigments Division and Pluess-Staufer (California), Inc. produce a wide range of limestone products including food-grade limestone, white pigments, filler-extenders and "chicken grits" for the poultry feed market.

Finely ground limestone can substitute for 50% or more of the resin feed-stocks in the production of plastic. As resins are derived from crude oil, limestone mineral filler-extenders are conserving a strategic mineral commodity—petroleum. For additional limestone uses see Miller and Morton (1982) and Joseph (1982), both in this volume; Bowen and others (1973) or Boynton (1966) *Chemistry and Technology of Lime and Limestone.*

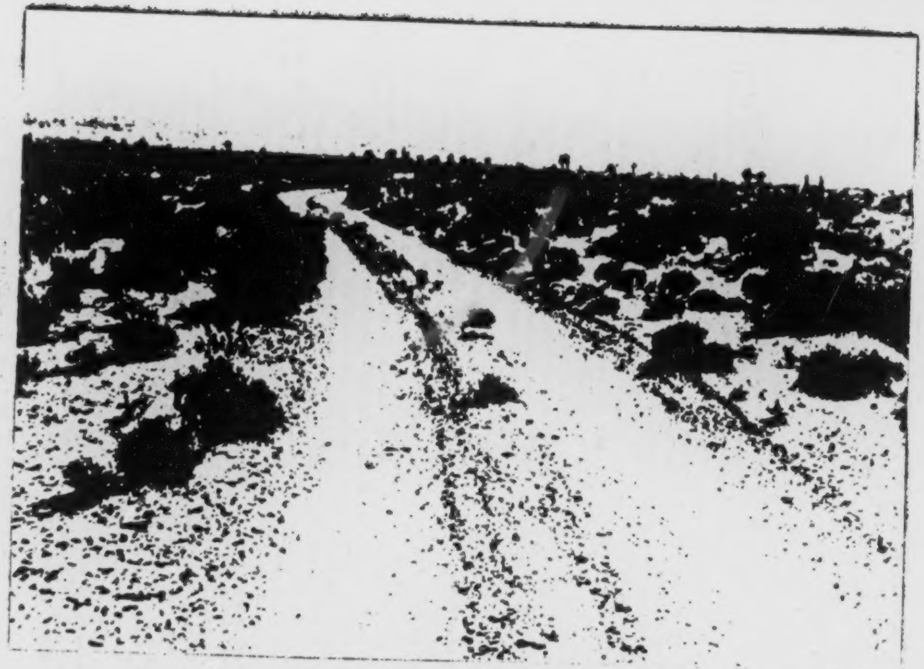
The Lucerne Valley Limestone District, with limestone quarries along the north flank of the San Bernardino Mountains, is one of the most important limestone producing districts in the nation. Kaiser's new automated cement plant in Cushenbury Canyon is one of the largest cement plants in the United States. Kaiser Steel and Kaiser Cement Corporations are the largest exploiters of the Furnace Formation limestone. Metallurgical limestone used for flux in the blast furnaces has been shipped from here to Fontana since the mid 1950's.

It is estimated that between two and three million tons of limestone are quarried from the Furnace Formation in this district each year for use in cement, steel flux, whiting, filler-extenders, pharmaceuticals and the chemical industry. While the bulk of the tonnage is used in the cement and white pigment-filler-extender markets related to the construction industries, there is a diverse market for food-, pharmaceutical- and chemical-grade limestone. These include the processing or manufacture of explosives, rubber, sugar and white paper. The common antacid "Tums" is reported to contain about 99% limestone (calcium carbonate). Finely ground limestone (micron size) is used as a filler in chewing gum, a preservative in fruit juice and a leavening agent in bread. Other applications are in ice cream, cereal and frozen milk products, and as a dusting agent to prevent hard candy from sticking (Pfizer, 1982).

Some limestone from the Lucerne Valley District is shipped as far away as Hawaii, Mexico and British Colombia. Thus, the market area extends far beyond the Los Angeles or California region. It is estimated that the gross annual sales of the Lucerne Valley District limestone and limestone products are on the order of 80 to 100 million dollars. This makes the Lucerne Valley District one of the most important mining districts in southern California. This has not been generally recognized by local government or even the community of Lucerne Valley. Until recently the San Bernardino County community plan for Lucerne Valley described Lucerne Valley as a "farming and retirement community!"

* IN 1986 THIS MINING DIST.
PRODUCED ABOUT $200 MILLION
DOLLARS IN LIMESTONE PRODUCTS
(3.5 MILLION TONS / YEAR.

'HOTO "A"



"ROADLESS AREA"?

THIS ROAD CUTS THROUGH PROPOSED BUREAU OF LAND MANAGEMENT WILDERNESS 222 IN THE CLARK MTN. QUADRANGLE, SAN BERNARDINO COUNTY, CALIFORNIA. IT IS TYPICAL OF MANY THOUSANDS OF MILES OF SIMILAR UNGRADED ROADS IN THE CALIFORNIA DESERT, AND IS REPRESENTATIVE OF HUNDREDS OF ROADS INCLUDED IN THE BLM'S SO CALLED "ROADLESS AREAS" PROPOSED FOR WILDERNESS! ....THE BLM HAS WRITTEN REGULATIONS(LAWS) THAT DECLARE THIS IS NOT A ROAD!! ....WHAT NEXT??? PERHAPS THEY WILL DECLARE BLACK IS RED...OR WHITE????

PHOTO "B"

THE DESERT TRAINING CENTER AND C-AMA

Study No. 15

PHOTO 2

Some of General Patton's more than 38,000+ armored vehicles were on continuous maneuvers in the eastern Mojave Desert for 3.5 years during WW II. On isolated upland surfaces some tracks remain, however, flash floods, blown sand and revegetation on dynamic alluvial fans have destroyed most of the original disturbance. The millions of bomb and shell impact craters were stripped of all scrap metal shortly after WW II. Each impact made a hole in the desert, the wind deposited sand and seeds in these depressions which filled with water during the first cloudburst. Each impact became a "flowerpot". In many places the wind deposited sand around the new clump of sagebrush . . . ultimately replacing theoriginal depression with a small mound of sage and sand!!

Note: Contrary to the beliefs of the ENDANGERED SPECIES ESTABLISHMENT, the Desert Tortoise (Gopherus agassizii), thrives in many of the desert valleys impacted by the massive military maneuvers of the Second World War!

Senator Wirth. Thank you very much, Mr. Fife.

Mr. Hess?

STATEMENT OF DR. DAVID M. HESS, CHAIRMAN, RESOURCE CONSERVATION COMMITTEE, CALIFORNIA ASSOCIATION OF FOUR WHEEL DRIVE CLUBS

Dr. Hess. The California Association of Four-Wheel Drive Clubs is an organization that represents the recreational interests of both the organized and the individual four-wheel drive owners in California.

My comments, both submitted and given here, however, reflect the needs of all those outdoor recreationists who require vehicular access to the site of the recreational activity.

Outdoor recreation in the desert is generally unsafe without motorized vehicle support. Motorized vehicle access is essential if the vast and beautiful expanse of the desert is to be made available for recreational purposes of any kind.

The proposals in S. 7 will have the effect of discouraging most outdoor recreational activities in the California desert.

The members of this committee on Tuesday expressed concerns that the Bureau of Land Management has not been effective in protecting the desert. They have alluded to vehicle use, mineral exploration, and mining activities that have been allowed to occur in wilderness study areas.

During the planning process they have suggested that these activities have resulted in a degradation of the wilderness values in these areas. I must respectfully disagree with the committee's assessment in this case.

In the first place, a distinction must be made between permitted and illegal activities. The woefully small BLM Ranger force cannot be expected to prevent all illegal acts occurring in an area the size of the California desert conservation area.

Until the Bureau has been given the resources necessary to implement the desert plan, criticism of its performance in the area of enforcement is unwarranted. In addition, most of the activities that were alluded to by the committee were occurring in those areas prior to the Wilderness Inventory Process.

These are not new activities. Many of the Wilderness Study Areas should not qualify for wilderness designation by Congress. At the time of the Inventory, the public was able to identify routes of vehicular, mining operations, and other evidence of the impact of man within these areas.

In spite of this input, however, these areas remained Wilderness Study Areas. It was therefore not inappropriate for the Bureau to allow the continuation of activities already occurring in these areas, activities which had not degraded the areas in the past, as evidenced by the continued insistence by the supporters of S. 7 for their inclusion within the wilderness system.

In conclusion, we request that this committee modify S. 7 substantially, in order to continue to accommodate the diverse and legitimate activities occurring in the desert.

We look forward to working with the committee and its staff to develop legislation that will truly protect the desert, and its current legitimate uses. Thank you.

[The prepared statement of Dr. Hess follows:]

STATEMENT OF THE CALIFORNIA ASSOCIATION OF FOUR WHEEL DRIVE CLUBS
before
THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
THE HONORABLE DALE BUMPERS, CHAIRMAN

In Opposition to Senate Bill 7, The California Desert Protection Act of 1987.

David M. Hess, M.D.
Chairman, Resource Conservation Committee
California Association of Four Wheel Drive Clubs
July 23, 1987

The California Association of Four Wheel Drive Clubs is an organization which represents the recreational interests of both the organized and individual four-wheel drive vehicle users of California. The following comments also reflect the needs of all those outdoor recreationists who require vehicular access to the site of their recreational activity. This large and generally unrepresented group includes those whose activities range (alphabetically) from archeology and birdwatching to zoology, and includes campers and picnickers, rockclimbers and rockhounds, painters and photographers, sightseers, explorers and hunters; anyone whose activity requires more supplies and equipment than can be carried to their recreational site on foot.

The California Desert is a harsh and unforgiving environment to man during all seasons. Temperatures range from below freezing to well over 120 degrees. There is little available surface water and frequently little shade. Outdoor recreation in the desert is generally unsafe without motorized vehicle support. This is particularly true for those members of the public who are not capable of long distance hiking over rough terrain with their recreational equipment and their required two gallons of water per day. This group not only includes the elderly and the physically handicapped, but also families with small children. Vehicle access is also required for those members of the working public whose schedules limit their recreation time to weekends and other short time periods; if they must spend hours hiking from their vehicles to the site of their chosen recreational activity, their recreation time is reduced to the point of being impractical. Overnight backpacking in the desert is generally limited to a small number of springs and riparian areas, and camping in these areas is disturbing to the wildlife which depends on these water sources. Finally, almost all authorities on desert survival recommend remaining with a disabled vehicle rather than hiking for help; to leave one's vehicle to hike a significant distance to a recreational site is not a wise decision. Therefore, motorized vehicle access is essential if the vast and beautiful expanse of the desert is to be made available for recreational activities.

On the other hand, development of the desert, whether commercial, agricultural, residential, industrial or recreational, can destroy those very values which now attract the outdoor recreationist; those values are its beauty and solitude, its undisturbed vistas, historical sites, animal and plant life. Paved roads and developed campsites destroy these values as surely as subdivisions, power plants and strip mines. Therefore, the proposals in S-7 will have the effect on discouraging most outdoor recreational activities in the California Desert. The Wilderness classification prevents its safe enjoyment by the outdoor recreationist since motorized vehicle use is prohibited, while National Park status destroys its values through developed road and recreation sites.

Most recreationists realize that the entire desert cannot be set aside solely for their own personal recreational activity. With appropriate public input and decisions by professional land managers based on this input, a plan for the protection of the California Desert can be produced which will be acceptable to the vast majority of those who wish to enjoy and protect the desert's natural values. This plan will by necessity be a compromise on the part of all competing interests. **This plan aready exists; it is the Bureau of Land Management's Desert Plan.** We suggest that Senator Cranston and those supporting his bill demonstrate their stated desire for input and comments by substituting the Bureau of Land Mangement's Desert Plan, a document already developed through a consensus process, in place of S-7.

Members of this Committee have expressed concerns that the Bureau of Land Management has not been effective in protecting the desert. They have alluded to vehicle use, mineral exploration and mining activities that have been allowed to occur in Wilderness Study Areas during the planning process. They have suggested that these activities have resulted in a degradation of the Wilderness values in these areas. While I have been a frequent critic of the Bureau's planning and management activities in the past and will continue to be in the future, I must respectfully disagree with the Committee's assessment in this case.

In the first place, a distinction must be made between permitted and illegal activities. The Desert Plan has never been implemented in the enforcement of its provisions. Illegal activities continue to occur in the desert due to lack of resources for enforcement. The woefully small BLM Ranger force cannot be expected to prevent all illegal acts occurring in an area the size of the California Desert Conservation Area. Until the Bureau has been given the resources necessary to implement the Desert Plan, criticism of its performance in the area of enforcement is unwarranted.

In addition, most of the activities alluded to by the Committee, such as vehicle use on existing routes of travel, mineral exploration and mining, occurring in the Wilderness Study Areas, were occurring there prior to the Wilderness Inventory Process. **These are not new activities.** Many of the Wilderness Study Areas should not qualify for Wilderness designation by

Congress; at the time of the Inventory, the public was able to identify routes of travel, mining operations and other evidence of the impact of man within these areas. In spite of this input, however, these areas remained Wilderness Study Areas; it was not inappropriate for the Bureau to allow the continuation of activities already occurring in these areas; activities which had not degraded these areas in the past as evidenced by the continued desire by the supporters of S-7 for their inclusion in the Wilderness system.

In conclusion, we urge this Committee to reject Senate Bill 7 by Senator Cranston. Allow the Bureau of Land Management to complete its planning process and Wilderness recommendation as previously mandated by Congress. Give the Bureau the resources needed to implement and enforce the provisions of the existing Desert Plan. Do not allow a small segment of the environmental community to overturn years of work and compromise on the part of the vast majority of those who enjoy and want to protect the California Desert merely because they did not win everything they wanted.

Senator WIRTH. Thank you very much, Dr. Hess. Ms. Keller?

STATEMENT OF MARY BETH KELLER, VICE PRESIDENT, AMERICAN RECREATION COALITION

Ms. KELLER. Thank you, Senator. I am Mary Beth Keller and I am Vice President of the American Recreation Coalition. We appreciate the opportunity to present our views on S. 7.

We strongly support protection of the California desert conservation area. The area has great beauty and hosts large numbers of diverse recreation experiences. It is an important open space readily reached by southern California's large and fast-growing population.

However, we disagree that a new plan is needed in order to properly manage this special area. The current plan fulfills the dual mandates of resource protection and multiple use, and was the result of a fair and open process.

The plan is a sound, sensible tool to ensure proper management. Yet we do have concerns about the pace and the extent of the plan's implementation. We strongly favor strengthening BLM's ability to implement the plan by providing them with increased resources.

No area can be properly managed without ample personnel and funding. The answer to the management challenge of the California desert is not locking people out, nor is it to substitute one land managing agency for another.

This legislation would prevent many citizens from enjoying public lands uniquely suited to multiple use. For this reason I have been asked by several ARC member groups and allied interests to submit statements for your consideration.

And I will read a few excerpts from them. The first is from Charles Cheneweth of the Family Motor Coach Association, which has 10,000 member families in California alone:

> FMCA does not favor uncontrolled use of the desert. We want the area's beauty protected and we want to feel safe when we visit there. On paper the California Desert Plan provides for these wants.
>
> We feel that more manpower, including volunteers, is the solution to the challenge of the desert, not another layer of regulations and laws which threaten the traditional ways we use the desert.
>
> We love national parks, let there be no doubt. But we also love areas like the desert, which allow a difference mix of ways to enjoy the outdoors. One type of experience is not inherently better than the other, just different.

Another from the statement from the National Off-Road Bicycle Association:

> The vastness of the desert and its opportunities for solitude are desirable and entirely suitable for muscle powered travel via bicycle. Because mountain bikes can carry water and supplies, desert trips of 50 miles or more a day have become possible.
>
> Getting there under their own power, individuals and families can now visit remote scenic and historical sites with a feeling of accomplishment. But present definitions of wilderness exclude mountain bikes.

From the Good Sam Club, which has over 100,000 family members in California:

> Most Americans want to see our land preserved and protected. The 1980 California Desert Plan resulted from the abuse that a few were imposing on the desert.

> Today, with proper supervision, these abuses have been largely curtailed through the multiple use concept.
>
> Plenty of space has been provided for everyone's needs, including those who want the ultimate wilderness experience where vehicles are not allowed to travel.

And finally some thoughts from Palm Springs Mayor Frank Bogert, a 60-year resident of the desert area:

> There are two major issues. The first is good faith. Thousands of us participated in the planning process for the desert in the 1970s. If the results of that effort are abandoned, I would not like to have the job of trying to get people in planning the next time around.
>
> The second concern is the relation between the management of the desert and the jobs of local elected officials, such as myself. Demand for recreation in southern California is great and continuing to grow.
>
> The desert does and can provide opportunities for activities which are not possible in Palm Springs. Close the desert to all but national park-type activities and you will be creating tremendous problems so far as the few remaining acres of private and metropolitan area lands are concerned.
>
> It is like a balloon. Push it in at one place and it expands in another.

Senator, please hear the concerns of these good Americans. Protecting the California desert should not mean robbing millions of Americans of their recreational choices. Thank you.

[The statements submitted by Ms. Keller follow:]

STATEMENT BY DERRICK CRANDALL, PRESIDENT, AMERICAN RECREATION COALITION, ON S.7, THE DESERT PROTECTION ACT OF 1987, BEFORE THE U.S. SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER, JULY 23, 1987.

Good afternoon, Mr. Chairman. My name is Derrick Crandall, and I serve as President of the American Recreation Coalition, a federation of more than 100 national and regional organizations involved in outdoor recreation. ARC members include private sector recreation providers, state and national trade associations, manufacturers of recreation products, and enthusiast groups comprised of millions of recreationists. These organizations range from the Good Sam Club to American Youth Hostels, from the National Offroad Bicycle Association to the Family Motor Coach Association. We appreciate the opportunity to present our views on S.7 because we feel it has the potential to adversely affect the outdoor recreation options of millions of Americans who enjoy the outdoors.

We strongly support protection of the lands known as the California Desert Conservation Area. The area has great beauty and hosts large numbers of diverse recreation experiences. It is important open space readily reached by Southern California's large and fast-growing population. However, we disagree with the premise underlying the proposed legislation that a new plan is needed in order to properly manage this special area. Congress recognized the importance of developing a comprehensive plan to guide the management of this unique and wonderful region in 1976. The Federal Land Policy and Management Act stated "the use of all California desert resources can and should be provided for in a multiple-use and sustained yield management plan to conserve these resources for future generations, and to provide enjoyment, particularly outdoor recreation uses..."

The planning process included public hearings and public review of draft proposals, and attracted input from thousands of individuals reflecting many diverse opinions on desert management. The resulting Desert Management Plan fulfills the dual mandates of resource protection and multiple use, and was the result of a fair and open process. Nearly two million of the twelve million acres BLM manages are proposed for Wilderness designation, and appropriate areas are managed for limited, moderate or intensive uses. The plan has withstood legal challenges and the scrutiny of two Administrations, one Democratic and one Republican. The Los Angeles Times remarked in 1980, "The plan appears to protect the interests of preservationists while recognizing needs of miners, ranchers, and utility companies. It is a balanced plan no one group will be entirely happy with and that's a good sign."

The California Desert Plan is a sound, sensible tool to ensure proper management of the CDCA. Yet, we do have concerns about the pace and the extent of the plan's implementation. We strongly favor strengthening BLM's ability to implement the plan by providing them with increased resources. No BLM-managed area -- nor any national park, for that matter -- can be properly managed without ample personnel and funding. The answer to the management challenge of the California desert is not locking people out; nor is it to substitute one land managing agency for another.

The California desert is very unique in its capacity to host such a wide range of recreational activities. From horseback riding to land sailing, from off-road bicycling to RV camping, from ballooning to ATV racing, the desert is an important escape for the millions of residents of Los Angeles and the surrounding metropolitan area. The proposed legislation would significantly diminish recreational opportunities of Southern Californians, and would limit access to only the most hardy individuals. S.7 is a bill designed to discourage people from visiting the desert by limiting access. Many areas would be closed to travel off roads, and many travelways which appear to be roads, but which lack legal designation, would be jeopardized.

This legislation would prevent many citizens from enjoying public lands uniquely suited to multiple use. For this reason, I have been asked by several ARC members and allied interests to submit statements for your consideration: I ask you to receive for inclusion in this hearing record statements by the Family Motor Coach Association and the National Offroad Bicycle Association; an editorial and accompanying article from this month's Hi-Way Herald,, the publication of the 530,000 families belonging to the Good Sam Club; and a letter to the Subcommittee by the Honorable Frank Bogert, mayor of Palm Springs and a fellow member of the President's Commission on Americans Outdoors. A statement by the North American Land Sailing Association is enroute and will be submitted to you within a few days.

I might offer a few excerpts from these submissions. Charles Cheneweth, Immediate Past President of the Family Motor Coach Association writes:

> "I would like to first emphasize the importance of the California desert to our members. It is a place of beauty, a place of great change from the environments in which so many of us live...Our members go to the desert to take photos and to collect rocks, for gatherings with friends and to be alone."

> "FMCA does not favor uncontrolled use of the desert area. We want the area's beauty protected and we want to feel safe when we visit the area. On paper, the California Desert Plan provides for these wants."
>
> "We feel that more manpower, including volunteers -- is the solution to the challenge of the desert, not another layer of regulations and laws which threaten the traditional ways we use the desert. We love national parks, let there be no doubt. But we also love areas like the California desert, which allow a different mix of ways to enjoy the outdoors. One type of experience is not inherently better than the other, just different."

NORBA's statement details the amazing growth in off-road bicycling and reports:

> "The vastness of the desert and its opportunities for solitude are desirable and entirely suitable for muscle powered travel via bicycle. Because mountain bikes can carry water and supplies, desert trips of 50 miles or more a day have become possible. Getting there under their own power, individuals and families can now visit remote scenic and historical sites with a feeling of accomplishment."
>
> "Eureka Valley and Sand Dunes, north of Death Valley, provide an example of desert exploring for mountain bikes. This area is part of the proposed Cranston Wilderness Plan which might preclude mountain bike exploration in the future...Present definitions of Wilderness exclude mountain bikes."

The Good Sam Club states:

> "At first glance, the desert doesn't seem friendly, but it's certainly not friendless. Hundreds of thousands of people have found that beneath its rough exterior, the desert contains some fascinating plants and animals, and a wealth of recreational opportunities to enjoy--from the isolation of camping, to beautiful sunsets, hiking, or offroading up and down the gigantic dunes without the crowds and regulations of organized parks and forests."
>
> "But now there's the possibility that the California desert, as we know it, may be taken away from us...Instead of developing into the classic confrontation of environmentalists vs. offroaders, this issue is being debated between those who care about saving the desert but also want to use and enjoy it, and those who care about

> saving the desert by greatly restricting its access and use."
>
> "Most Americans want to see our land preserved and protected. The 1980 California Desert Plan resulted from the abuse that a few were imposing on the desert. Today, with proper supervision, these abuses have been largely curtailed through the multiple use concept; plenty of space has been provided for everyone's needs, including those who want the ultimate wilderness experience where vehicles are not allowed to travel."
>
> "Because Americans want their land preserved, there is the danger that they are going to listen to these extremists who are asking not for preservation, with proper management, but complete closures. It's a disturbing trend...the Good Sam Club, the American Recreation Coalition and other groups in favor of multiple use of the land are strongly opposed to the bill."

Finally, let me share the thoughts of Mayor Frank Bogert, a sixty-year resident of the desert area:

> "Over the years, I have seen many demands placed on the desert from commodity to environment and have discovered that in most cases, protection and use can be achieved through planning and cooperation...The bottom line is that people are involved in creating the problems and consequently, they must be involved in the solutions to those problems.
>
> "There are two major issues for consideration. First is good faith. Thousands of us participated in the planning process for the desert in the 1970's. If the results of that effort are abandoned -- I wouldn't like to have the job of trying to get people in planning the next time around.
> "The second big issue is the relationship between the management of the desert and the jobs of local elected officials such as myself. Demand for recreation in Southern California is great and is continuing to grow. It is also diverse. The desert does, and can, provide opportunities for activities which aren't possible in Palm Springs -- and it can do so without significant environmental and social problems. Close the desert to all but national park-type activities and you will be creating tremendous problems so far as the few remaining acres of private and metropolitan lands are concerned. It is just like a balloon; push it in at one place and it expands in another; like it or not."

Mr. Chairman and Senators, please hear the concerns of these good Americans. Protecting the California desert shouldn't mean robbing millions of Americans of their recreation choices.

Thank you.

Derrick A. Crandall
President
American Recreation Coalition
1331 Pennsylvania Avenue NW
Washington, D.C. 20004
(202) 662-7420

FAMILY
MOTOR COACH
ASSOCIATION, INC

TESTIMONY BY CHARLES CHENEWETH, IMMEDIATE PAST PRESIDENT OF THE FAMILY MOTOR COACH ASSOCIATION, BEFORE THE U.S. SENATE SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATERS, HEARING ON S.7 REGARDING NATIONAL PARK AND WILDERNESS DESIGNATIONS IN THE CALIFORNIA DESERT, JULY 23, 1987.

Mr. Chairman and distinguished Members of this Subcommittee, I appreciate the opportunity to comment on S.7, and to provide input from the Family Motor Coach Association (FMCA). Formed nearly 25 years ago, FMCA is today comprised of over 60,000 camping families. We share a love for travel, for the many fun activities outdoors across this great nation, and for other people.

As Immediate Past President of FMCA, and as a resident of Southern California, I would like to first emphasize the importance of the California Desert to our members. It is a place of beauty, a place of great change from the environments in which so many of us live. It is a place of great openness and of great opportunities. Our members go to the desert to take photos and to collect rocks, for gatherings with friends and to be alone.

We have concerns about both the management of the California Desert today and about S.7, which would redesignate much of the desert as National Parks and Wilderness. We feel disappointment that the special qualities of the desert which prompted legislation in the 1970's and brought thousands of us together to help plan its management remain in jeopardy today. The jeopardy exists not because of the lack of a good plan, one which protects and accommodates, but because no lines on a map or rules on paper will be enough to manage this special resource. The California Desert Plan needs to be implemented. It identifies both enforcement strategies and visitor service needs. It is time to move on with making both realities on the ground.

FMCA does not favor uncontrolled use of the desert area. We want the area's beauty protected and we want to feel safe when we visit the area. On paper, the California Desert Plan provides for these wants. The zoning of uses is appropriate, for example.

(over)

8291 Clough Pike, Cincinnati, Ohio 45244
Phone 513 474-3622

We realize that implementing the desert plan requires manpower, and that normally means large annual expenditures. BLM's professional staff almost surely must be expanded in this area to meet the needs of the plan, but I would submit that another option is available, one which fits well with the Take Pride in America campaign the Department of the Interior has recently launched. FMCA members are already actively involved in many parks and forests as volunteers, serving as campground hosts and members of clean-up crews. It is time to involve us, and all others who have an interest in the California Desert, in its management.

In recent months, there has been much publicity surrounding Senator Cranston's proposed legislation. Well known faces have gathered to raise money to lobby in Washington on this issue. I don't question their interest or sincerity. But people like FMCA members are the _real_ users of this area, and we would rather invest our time and energies protecting the desert in ways that will really count.

We feel that more manpower - including volunteers - is the solution to the challenge of the desert, not another layer of regulations and laws which threaten the traditional ways we use the desert. We love national parks, let there be no doubt. But we also love areas like the California Desert, which allow a different mix of ways to enjoy the outdoors. One type of experience is not inherently better than the other, just different.

Charles Cheneweth
Post Office Box C
National City, California 92050
(619)267-8408

NATIONAL OFF-ROAD BICYCLE ASSOCIATION
P.O. Box 1901 • Chandler, Arizona 85244 • (602) 961-0635

Statement of the National Off-Road Bicycle Association by Don Douglas, for the U.S. Senate Subcommittee on Public Lands and Reserved Waters, Hearing on S.7 Regarding National Park and Wilderness Designations in the California Desert, July 23, 1987

I am here to speak to one of the needs of our society which the California desert has provided for many years -- recreation. The particular recreation pursuit I represent is off-pavement bicycling.

Off-pavement bicycling is an emerging recreation pastime which continues to grow at an exciting rate. Fat tire multispeed bicycles currently comprise 18% of the total U.S. bicycle market. A record 12.4 million units were sold in 1986.

The vastness of the desert and its opportunities for solitude are desirable and entirely suitable for muscle-powered travel via bicycle. Because mountain bikes can carry water and supplies, desert trips of 50 miles or more a day have become possible. Getting there under their own power, individuals and families can now visit remote scenic and historical sites with a feeling of accomplishment.

Eureka Valley and Sand Dunes, north of Death Valley, provide an example of desert exploring for mountain bikes. This area is part of the proposed Cranston Wilderness Plan which might preclude mountain bike exploration in the future.

For the last three years, my wife and I have led small groups of mountain bikers to this area on a trip we call "Dunes by Moonlight." We meet at midday on a weekend in Big Pine and cycle 50 miles east to the Eureka Dunes, 8 hours away. We ride the last 20 miles of dirt road in the quiet of the evening with a full moon rising over the dunes, an experience which created a lasting impression on everyone involved. A naturalist joins our campfire to interpret the area's natural history, increasing our awareness of and appreciation for this part of the desert. In the morning, a few people hike to the top of the highest sand dune in California to admire the panorama of Eureka Valley before cycling back to Big Pine.

Because of the rapid growth of mountain biking and because of the California Desert's thousands of miles of potential cycling routes, NORBA feels it is essential for the public to have full access to the area. Present definitions of "wilderness" exclude mountain bikes. We understand and support the need for conservation and feel that responsible cycling has one of the least impacts of any form of recreation on the natural environment. It is imperative that a way be found to preserve the public's access to the California Desert. NORBA supports upgrading existing desert plans and will work with interested parties to help create an optimum balance.

The existing CDCA plan assures the responsible application of the multiple use principle into the future. This currently proposed legislation would unnecessarily limit the use of this diverse national resource. Senate Cranston's Senate Bill 7 threats to undo the work of over 20,000 individuals who contributed countless hours to the development of the California Desert Conservation Area (CDCA) plan, as well as close vast areas of the desert to bicycle use.

We suggest an increased emphasis on implementation of the management strategies adopted in the CDCA plan. The National Off-Road Bicycle Association looks forward to the opportunity to provide continued support for intelligently planned and managed national resources.

Donald C. Douglass
NORBA Representative
Route 2, Box 303
Bishop, California 93514
(619) 387-2412

Publisher/Richard Rouse
Editor/Beverly Edwards
Managing Editor/David E. Griffith
Editorial Assistant/Leslie E. Scharfer
Field Editors/Sam and Beverly Edwards
Art Director/Bob Schroeder
Assistant Art Directors/Ellen Siegel Koller, Sandy Ziegenfuss
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FOR INTERNATIONAL HEADQUARTERS
29901 Agoura Road, Agoura, CA 91301, (818) 991-4980
Vice President, Executive Director/Sue Bray
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BRANCH OFFICES
Midwestern Advertising Office/2300 Middlebury St., Elkhart, Indiana 46516, (219) 295-7820
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(717) 374-0557

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THROUGH OUR WINDSHIELD

Access to California Desert May be Restricted

by Susan Bray
Executive Director

To some RVers, driving across the California desert is often a long, lonely route to the beaches of Southern California, the nightlife of Las Vegas or the most direct highway to vacation activities in Arizona and Colorado. At some point along the way, many RV travelers may wish they were in a plane, flying high over this barren stretch of land, enjoying a movie, or at least, eating some airline food.

At first glance, the desert doesn't seem friendly, but it's certainly not friendless. Hundreds of thousands of people have found that beneath its rough exterior, the desert contains some fascinating plants and animals, and a wealth of recreational opportunities to enjoy—from the isolation of camping, to watching beautiful sunsets, hiking, or offroading up and down the gigantic dunes without the crowds and regulations of organized parks and forests.

But now there's the possibility that the California desert, as we know it, may be taken away from us. With the backing of many leading environmentalists, Sen. Alan Cranston, D-Calif., has introduced S.B. 7 before the U.S. Senate. If the bill passes, approximately 8 million of the desert's 11 million acres will be declared wilderness areas—off-limits to anyone but the hardiest souls who might hike into those areas.

Recently, citizens representing the many users and friends of the California desert—motorcyclists, bicyclists, naturalists, offroaders, hikers, land yachters, horseback riders, and of course, Good Sam Club RVers, met with the Secretary of the Interior Don Hodel in a forum to let him know how they felt about losing this public playground. It was evident that the desert is enjoyed and used by many people with diverse interests, and through this use, these folks have gained an understanding and appreciation for the desert so that they are concerned about its future use and preservation.

Instead of developing into the classic confrontation of environmentalists vs. offroaders, this issue is being debated between those who care about saving the desert but also want to use and enjoy it, and those who care about saving the desert by greatly restricting its access and use.

These friends of the desert voiced their concerns about its future and its use to the secretary. They presented many concrete examples of how various groups of people, on a voluntary basis, are cleaning up trails, posting signs, building fences and serving as campground hosts. In short, they represented a group of citizens who want to be responsible for the land they enjoy and use.

Nowhere is there such a large amount of land which allows so many people varied and free activities as the California desert. With 11 million acres, there is room for people to camp, take photographs, ride bikes, observe wildlife, offroad, ride horses, and hike without having to follow directions to marked trails, make reservations and schedule activities, as we so often do today.

California's other Senator, Pete Wilson, has not yet taken a stand on S.B.7. After reading more about it on page 6 of this issue of *Hi-Way Herald*, we urge you to write to Sen. Wilson at SH-720 Hart Senate Office Building, Washington, D.C. 20510-0502. Let him know how you feel about the California desert, and what you think is his responsibility, to preserve it for all to use.

THE GOOD SAM CLUB'S
HI-WAY HERALD
July 1987, Vol.21, No.7

NEWSLINE

Senate Bill Threatens Access To California's Desert Lands

California's vast desert lands have something for everyone from rockhounds and bird watchers to photographers and RVers. There's plenty of space in the 25 million acres administered by federal and state agencies to accommodate the multiple uses mandated for the area by the California Desert Plan, established in 1980 at the request of the U.S. Congress.

Now there's trouble brewing over California's desert paradise, and if Senate Bill 7, introduced by Sen. Alan Cranston, D-Calif., passes and becomes law, the gates will be slammed shut on more than 8.8 million acres of land. . .shut, that is, to all but those hearty enough to backpack roads and trails that once were open to vehicles.

If the bill passes, snowbirds who rely on wintering where the rents are cheap and the scenery unlimited are going to find their favorite camping sites off-limits to any kind of vehicles.

To understand the full impact this discriminatory bill would have, it becomes necessary to back up to 1976 when the U.S. Congress asked for a plan, through the Federal Land Policy and Managment Act, that would provide for the proper management of the 25 million-acre California desert. The plan was to be based on the concepts of multiple use, sustained yield and maintenance of environmental quality.

The Bureau of Land Management (BLM) prepared the plan after four years of study that included meetings and public hearings to determine how the public wanted this land to be utilized. The result of that study is the California Desert Plan, which was approved by the secretaries of the interior of two administrations in 1980 and 1981, providing the plan with bipartisan support.

This plan provided for 1.9 million acres of wilderness preservation, 5.9 million acres of managed use area to protect the environment and ecology of sensitive areas, 3.3 million acres of

continued on page 13

Senate Bill 7, sponsored by Sen. Alan Cranston, could bar generations of Americans from the majestic beauty of the California desert.

DESERT BILL

from page 6

moderate use land with a balance between higher intensity use and protection while allowing for a variety of uses (including mining, grazing, recreation and mineral and energy development) and 500,000 acres of intensive use land.

Cranston's bill would change the multiple use concept of this important plan, setting aside vast stretches of land into wilderness areas accessible by only a tiny minority of those who enjoy the benefits the desert has to offer. It also would close off land to future mineral and energy development, creating even further problems for RVers when our current energy supplies begin to dwindle.

Cranston's plan would establish three national parks taken from BLM land. This would be accomplished by expanding the present 2 million-acre Death Valley National Monument into a 3.4 million-acre park, expanding the existing 560,000-acre Joshua Tree National Monument into an 805,000-acre national park and by establishing a new national park from land currently designated as the East Mojave National Scenic Area.

Sen. Alan Cranston is sponsoring S.B.7, which could limit access to California's desert areas.

Between these designations and the 8.8 million acres of wilderness called for in the bill, those who enjoy the freedom the desert has to offer would lose it.

By his own admission, Cranston acknowledges that he is no expert on the desert, and that he is relying on environmentalists for information. But in Cranston, extremists have a strong voice.

Most Americans want to see our land preserved and protected. The 1980 California Desert Plan resulted from the abuse that a few were imposing on the desert. Today, with proper supervision, these abuses have been largely curtailed through the multiple use concept; plenty of space has been provided for everyone's needs, including those who want the ultimate wilderness experience where vehicles are not allowed to travel.

Because Americans want their land preserved, there is the danger that they are going to listen to these extremists who are asking not for preservation, with proper management, but complete closures. It's a disturbing trend that could lead to even more restrictions in other areas of the country.

There's also the subject of financial impact. The cost of establishing and administering the three new national parks has not been discussed by those supporting Senate Bill 7. There also would be a loss of revenue from ranchers, miners and others who lease the land for managed use.

The Good Sam Club, the American Recreational Coalition and other groups in favor of multiple use of the land are strongly opposed to this bill. The Club is calling for support in seeing this bill defeated.

For more information see related story on Page 8.

City of Palm Springs

Office of the Mayor
619-323-8200

July 20, 1987

HONORABLE DALE BUMPERS
United States Senate
Sub Committee, Public Lands
Washington, D.C. 20510

Dear Senator Bumpers and
Members of the Committee:

I have lived in this desert for sixty years and have covered most of the territory from the Mexican border to Death Valley. For the past three years, I have been a member of the President's Commission on Americans Outdoors.

Over the years, I have seen many demands placed on the desert from commodity to environment and have discovered that in most cases, protection and use can be achieved through planning and cooperation. As an example, let us consider the problem of the endangered fringe toed lizard in the Coachella Valley. We have created a 12,000 acre sanctuary which is being managed by the Nature Conservancy. The bottom line is that the people are involved in creating the problems and consequently, they must be involved in the solutions to those problems.

There are two major issues for consideration. First is good faith. Thousands of us participated in the planning process for the desert in the 1970's. If the results of that effort are abandoned -- results that just about all observers saw as fair and responsive when Secretary Cecil Andrus approved them in 1980 -- I wouldn't like to have the job of trying to get people in planning the next time around. The end result was not supposed to be a paper plan, but an action plan. Obviously, BLM hasn't acted quickly enough, which has sparked calls for a new plan -- which is Senator Cranston's plan. However, this too, would run the risk of an exercise in paper. Laws and regulations won't manage the desert. It is going to take manpower and dollars. In fact, the abandonment of the Desert Plan and the possible imposition of the Cranston plan will only breed more disrespect for needed regulation of use.

The second big issue is the relationship between the management of the desert and the jobs of local elected officials such as myself. Demand for recreation in Southern California is great and is continuing to grow. It is also diverse. The desert does, and

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Post Office Box 1786, Palm Springs, California 92263-1786

page two

can, provide opportunities for activities which aren't possible in Palm Springs -- and it can do so without significant environmental and social problems. Close the desert to all but national park-type activities and you will be creating tremendous problems so far as the few remaining acres of private and metropolitan lands are concerned. It is just like a balloon; push in at one place and it expands in another; like it or not.

Your consideration of these remarks will be greatly appreciated.

Sincerely,

FM Bogert

FRANK M. BOGERT
Mayor

FMB/mm

Senator WIRTH. Fine. Thank you very much.

STATEMENT OF DR. LOREN LUTZ, CHAIRMAN, ADVISORY COUNCIL FOR THE CALIFORNIA DESERT DISTRICT

Dr. LUTZ. I am Dr. Loren Lutz of Pasadena, California. I have been deeply involved with management and administration of the California Desert Conservation Area for many years.

I was serving as Chairman of the Riverside District Advisory Board when Congress created the CDCA in 1976. I have been on the Desert District Advisory Council since its inception in 1981, and I have served as its Chairman for the past two years.

It says here equally important, and I would strike those two words. I do serve on a number of conservation and wildlife interest groups which are deeply concerned about managing the desert to assure maintenance of high quality wildlife habitat, including being President of the Society for the Conservation of Bighorn Sheep.

The Advisory Council of the Desert District is composed of 15 citizens who represent a cross section of desert users and residents. That council passed resolutions against S. 7 and its predecessor, S. 2061. A copy of the most recent resolution is attached to this statement.

I want to talk just a little bit about what we consider this bill. This bill as it is written is an anti-conservation bill. It precludes the management of the desert resource. National park status prohibits the management of a wildlife resource.

Many years ago several organizations in the State of California, the California Wildlife Federation, the Southern Council of Conservation Clubs, and the Society for the Conservation of Bighorn Sheep, formed a group called Citizens for Water.

This is a wildlife endeavor that has created a volunteer program that has meant millions of dollars of development in that desert, for wildlife purposes. And I want to assure this committee that those programs will have gone down the tubes, we cannot carry on the work in the desert under the auspices of S. 7.

We have created a habitat in the desert which is conducive to the promotion of wildlife. We increased bighorn sheep populations by many, many fold through these techniques of water conservation and the impoundments of water for wildlife.

Therefore, I would urge modification of the bill. We would be very happy to work with the staff. We are for protection of the desert. There are many good things there in that bill, the terminology.

Everyone has that same desire to protect the desert, including the conservation movements. Thank you very much.

[The prepared statements of Dr. Lutz follow:]

STATEMENT OF DR. LORIN LUTZ, CHAIRMAN
ADVISORY COUNCIL FOR THE CALIFORNIA DESERT DISTRICT
BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

July 23, 1987

I am Dr. Lorin Lutz of Pasadena, California. I have been deeply involved with management and administration of the California Desert Conservation Area (CDCA) for many years. I was serving as Chairman of the Riverside District Advisory Board when Congress created the CDCA in 1976. I have been on the Desert District Advisory Council since its inception in 1981 and have served as its Chairman for the past two years.

Equally important, I serve with a number of conservation and wildlife interest groups which are deeply concerned about managing the Desert to assure maintenance of high-quality wildlife habitat, including being President of the Society for the Conservation of Bighorn Sheep.

The Advisory Council of the Desert District is composed of 15 citizens who represent a broad cross section of Desert users and residents. That Council passed resolutions against S.7 and its predecessor, S.2061. A copy of the most recent resolution is attached to this statement.

The resolution cites a lengthy list of our objections to the proposal. However, our fundamental opposition is predicated upon four key points:

1. S.7 is anti-conservation. It precludes responsible management programs, including development and improvement of wildlife habitat. In its place, it would substitute a preservation system which presumes that positive changes in land resources will come about if all lands are placed in the National Wilderness System. This is absolutely false.

At the same time, we on the Council are not anti-wilderness or anti-preservation. We generally concur in the Bureau of Land Management's (BLM) recommendation of 44 individual areas totalling 1.9 million acres in the National Wilderness System. This is not to say that all agree with specifics - that figure was arrived at by compromise and consensus building which has already taken place, and is the result of hard bargaining and negotiation.

2. S.7 ignores the basic thrust of the California Desert Plan to preserve and protect wilderness and wildland values. BLM has indicated and intends to preserve 1.9 million acres as wilderness; and further recognizes that all of Class L and Class M should be protected as wildland and open space for all citizens.

3. S.7 ignores the minerals data and inventory being conducted. The Congress required detailed mineral study by U.S. Geological Survey and Bureau of Mines on wilderness proposals, and these are being done. S.7 would add another 6 million acres to wilderness without the benefit of these further detailed surveys on this additional acreage.

4. And lastly, S.7 will eliminate much of the access which exists throughout the Desert and which thousands enjoy - not ORV play, continually characterized as bad, but limited to the 500,000 acres classed as open, but access on primitive roads and trails which have existed for years. These roads, beyond the county road system, provide access to hunt, rockhound, explore, and enjoy the Desert in an unstructured manner.

Mr. Chairman, I submit that BLM may need enhanced authority and personnel. But their current management plan balances needs and protects critical values. The Advisory Council and I urge your complete rejection of S.7.

CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

RESOLUTION

WHEREAS the Congress of the United States passed, in October 1976, the Federal Land Policy and Management Act, by Senator Alan Cranston and others, which emphasized resource protection within continued multiple use of the public lands; and,

WHEREAS the Congress further directed that these principles be guided by the implementation of a comprehensive land use plan developed with the broad involvement of all segments of the public; and,

WHEREAS this Act contained special provisions which created the California Desert Conservation Area; and,

WHEREAS this Act provides for development of a management plan for the California Desert Conservation Area, to include both protection and continued muleiple use; and,

WHEREAS a management plan was developed which recognized those special resource areas and values within the California Desert Conservation Area; and,

WHEREAS this plan was approved by both the Carter and Reagan administrations; and,

WHEREAS FLPMA further directs the Bureau of Land Management to inventory and study all public lands for wilderness values, including mineral surveys, and report its recom,mendations to Congress for final decisions on wilderness designations; and,

WHEREAS, the evaluations and preparation of these reports is not yet completed; and,

WHEREAS the United States Congress set the year 1991 as the year by which these reports and recommendations should be brought to them; and,

WHEREAS United States Senator Alan Cranston has introduced in the Senate S.7; and,

WHEREAS United States Representative Mel Levine has introduced in the House H.R. 371; and,

WHEREAS S. 7 and H.R. 371 would designate 81 wilderness areas without complete evaluation; and,

WHEREAS many of the proposed 81 wilderness areas are roaded and lacking in those qualities required for wilderness designation; and, WHEREAS S. 7 and H.R. 371 would create a 1.5-million-acre Mojave National Park, a concept thoroughly studied during the California Desert Conservation Area planning process and rejected; and,

WHEREAS S.7 and H.R. 371 would add 1.3 million acres from the California Desert Conservation Area to Death Valley National Monument, a concept also studied and rejected as part of the planning process; and,

WHEREAS S. 7 and H.R. 371 would add 245,000 acres from the California Desert Conservation Area to Joshua Tree National Monument, land reviewed by Congress and rejected because of enormous mineral values; and,

WHEREAS S. 7 and H.R. 371 would convert Death Valley National Monument and Joshua Tree National Monument to National Park status; and,

WHEREAS S. 7 and H.R. 371 could put most of the free world's rare earths, as well as other strategic and necessary minerals, in jeopardy; and,

WHEREAS S. 7 and H.R. 371 would eliminate most ranching in the California Desert Conservation Area; and,

WHEREAS S. 7 and H.R. 371 could place additional economic handicaps on private land owners, many small communities and rural counties; and,

WHEREAS S. 7 and H.R. 371 would limit access to 9.4 million acres of lands thus severely impacting recreational activities of all kinds; and,

WHEREAS S. 7 and H.R. 371 would negatively impact general aircraft flights and have the potential for impacting commerical and military flights; and,

WHEREAS S. 7 and H.R. 371 would be costly to implement at a time when budget cuts are limiting services; and,

WHEREAS the introduction of S. 7 and H.R. 371 violates established democratic processes which should include input from all the publics; and,

WHEREAS S. 7 and H.R. 371 are premature, ill-conceived and contain many proposed actions which have been previously reviewed by Congress and/or thoroughly evaluated over the four years of planning for the California Desert Conservation Area and rejected for good reason;

NOW, THEREFORE, BE IT RESOLVED that the California Desert District Advisory Council, one member voting nay, urges the Congress of the United States to reject S. 7, and H.R. 371 in total.

[illegible]
DATE

CHAIRMAN

STATEMENT OF THE SOCIETY FOR THE CONSERVATION OF BIGHORN SHEEP
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ON S.7 A BILL
"TO PROVIDE FOR THE PROTECTION OF THE PUBLIC LANDS
IN THE CALIFORNIA DESERT"
THE HONORABLE DALE BUMPERS, CHAIRMAN

Mr. Chairman and Committee Members :

Good afternoon. My name is Dr. Loren Lutz and I am the President of the Society for the Conservation of Bighorn Sheep. We have taken a very strong stand opposing the California Desert Protection Act because of the implications that piece of legislation will have on the ever increasing bighorn sheep population found in the California Desert. It is natural to assume that this Bill will not adversely affect the wildlife in the area. That is absolutely not true. There will be a severe loss of bighorn if the bill is enacted.

Wilderness by definition prohibits means of mechanical transport and motorized equipment. Unfortunately for the threatened bighorn sheep who happen to live in those areas proposed for Wilderness, the prohibition against motorized equipment affects the continued survival of the bighorn sheep. That survival, in an indirect way, depends on the usage of motorized vehicles.

Presented by Loren Lutz, President of the Society for the Conservation of Big Horn Sheep in Washington, D. C. on July 23, 1987.

The major limiting factor on bighorn sheep survival is the supply of water. The Society for the Conservation of Bighorn Sheep, the Southern Council of Conservation Clubs, the Bureau of Land Management, the California Department of Fish and Game, and countless volunteers have worked to provide artificial drinkers, known as wildlife guzzlers, to store and dispense water to the sheep and all forms of wildlife in times of need. Since 1970, there have been over 60 major guzzlers installed in the desert. The agencies and organizations involved drive to the remote guzzler sites. The erection and maintenance of the guzzlers cannot practically occur via foot or horse travel. The pipes, holding tanks, screens, and drains are all better suited to truck transportation rather than people transportation.

Another related need for motorized equipment is the transplanting of vigorous sheep to regions where there are no sheep or the population is small and genetically inferior. Without ground support and helicopter transportation, the sheep will remain in isolated pockets and their survival is merely a matter of time and debate.

Under current Park Service rules and regulations and Wilderness practices, the accepted methods for improving sheep habitat and quality of life would not be possible. The establishment of major water sources, the maintenance of those sources, and the transplantation of the bighorn can not occur.

The $3 million dollar effort to help the bighorn will have been in vain. A valuable wildlife resource will be destroyed. The bighorn population will undoubtedly drop. All the volunteer efforts, the Department of Fish and Game and BLM's professional expertise will be lost.

The goal of the Sheep Society is captured by the phrase "10,000 by 2000." That is our objective. However, we were not consulted during the preparation of this Bill, and we find it extremely difficult to understand the reasoning behind the Bill, much less be able to realize our goal for increasing the number of sheep.

As this issue is considered, bear in mind that the California Desert Protection Act DOES NOT provide for the advancement of the bighorn sheep. There was no consideration given to that endangered species. This piece of legislation must be rejected for conservation reasons.

Senator WIRTH. Thank you very much, Dr. Lutz. Dr. Norris?

STATEMENT OF DR. KENNETH S. NORRIS, PROFESSOR OF NATURAL HISTORY AND ENVIRONMENTAL STUDIES, UNIVERSITY OF CALIFORNIA, SANTA CRUZ

Dr. NORRIS. I am Dr. Kenneth S. Norris, a well-known desert educator, scientist, and conservationist who has worked and studied California deserts for more than 40 years.

I am a member of the State of California Nature Conservancy Board of Governors, and founder of the University of California Natural Reserve System, which includes three large reserves on the desert. I am a member of the Sierra Club and the Wilderness Society and other similar groups.

I speak as a private citizen in opposition to S. 7. My opposition centers around these points. The bill would upset what in my view is probably the most democratic and open land use plan in the Nation's history.

Four years and millions of dollars and 40,000 inputs went into a plan that is now in place that balances the needs of all the present users, including conservationists like myself, miners, ranchers, educators, recreationists, public officials and businessmen that overall, in my view, has dramatically improved the protection of desert values since it was instituted.

And I believe it can do very much more, given proper support. What is needed mostly is to greatly increase the support for the present management. Not do destroy it.

Second, it would substitute what seems to me to be the most anti-people bill in my memory. And it proposes in my view a misuse of important land use designations. A great area of the desert, much more than the 2.1 million acres that are now proposed, would be placed in wilderness status, that few people could or should try to reach.

Most of the present user public would be squeezed onto the remaining land. Witness these facts. Desert wilderness is not like forest wilderness, and I suspect that the planners sometimes forget this.

The desert is largely without drinkable water, and it is frequently dangerously hot. Wilderness status would close thousands of miles of back country roads that now allow safe access, relegating entry to foot traffic, which few can or should attempt.

The bill proposes a very large number of these wilderness areas, including involving millions of acres, many of which patently do not qualify for this status, according to the Wilderness Act.

Their inclusion in the national system, in my view, will inevitably weaken this vital act, making it correctly vulnerable to its critics. And I can see that happening, not just in California, but elsewhere, if this bill passes in its present form.

The East Mojave National Park, in my view, is not much better. I do, by the way, support the extensions of the Death Valley National Monument and the changing of its status, and of the Joshua Tree.

Other than a few sites of park quality on the East Mojave area, already protected, this area is largely a rather undistinguished landscape no more impressive than many found elsewhere in the western deserts. It has been long settled by people who have wrested a living from it.

The drafters of the act seem to see no future but land preservation for this huge tract of public domain and others like it in the western deserts. This is probably dramatically far from the truth.

Instead, I think everyone should remember that this is the Nation's last major storehouse of public land. The future calls upon it will certainly be many. Wisdom calls not for fragile exclusionary conservation. But instead thoughtful, inclusive planning.

As conservationists, our demands on the land should be as reasonable and well-planned as we can make them, if our plants and the living things that depend on them are to persist. Thank you.

[The prepared statement of Dr. Norris follows:]

Testimony of Kenneth S. Norris, Professor of Natural History and Environmental Studies, University of California, Santa Cruz, Regarding Senate Bill 7, The California Desert Protection Act.

To introduce myself, I am a well known University of California field biologist and conservationist who has spent 35 years in research, teaching and in conservation activity on our desert lands. I founded the 27 member University of California Natural Reserve System, which operates on California desert at three locations, and which allows teaching and support of thousands of University level students and researchers from around the world studying desert problems. I have directed many University students who have obtained higher degrees there and I have taught hundreds of University undergraduates about desert geology, biology and conservation. I know the American deserts intimately.

I urge the defeat of Senate Bill 7. I consider it a highly undemocratic piece of legislation responsive to only one of many legitimate public groups who have a call on the California desert. I consider it destructive of national wilderness conservation. I consider it destructive of a long, expensive, public and valid planning effort that has reached a viable middle ground amongst the many who have a legitimate call on public lands. I think it will significantly disenfranchise most of the people who love and use the desert, and many now who live and work there.

Let me encapsulate these positions into a brief series of points.

(1) The Cranston Bill places inordinate amounts of desert land into the category of Wilderness, or National Parks. In major instances these are inappropiate designations. About 2/3 of the landscape would be set aside in these ways leaving all other uses, such as ranching, mining, teaching, recreation, urban development, power generation and power corridors, and agriculture, on the inadequate remainder which, inevitably, will be severely impacted as a result.

Remember that these lands are the last treasure house of relatively undesignated lands our country possesses. Rapidly advancing technology of arid land power generation and farming, for example, may require significant arid land use in the near future. Major untapped water sources probably do exist in our desert basins, as they have been found to in similar topography with similar history in Israel, and where they now support important arid land agriculture. Therefore our nation may, one day, need important tracts of these lands for more than parks. In my view these potential consumptive or conflicting uses of land must be wisely balanced with conservation use through a careful planning effort such as that already in place. Senate Bill 7 does not even approach such balance and it assumes that desert land uses have very restricted future potential. I do not believe this to be even faintly true.

This overemphasis on Park and Wilderness has major deleterious effects, which I describe as follows:

Many of the lands proposed for Wilderness classification are not qualified according to the law, on grounds of size, existing manmade modifications or the existence of wilderness values. A long and careful study by the Bureau of Land Management of all candidate lands on the desert designated far less land, primarily because those lands studied and discarded did not qualify. Nonetheless the amount of land the BLM proposes to designate is far from insignificant; about 2 million acres of the 12.1 million acre domain they administer.

Many lands recommended for Wilderness status in the Cranston bill were not even considered worthy of initial study by BLM because they patently failed to qualify under the Wilderness Act. This amounts to misuse of the Wilderness classification as a political means of sequestering land. The effect, which concerns me greatly, is that such misuse will weaken the vital Wilderness Act elsewhere, and that the Act will be perceived as a sometimes illegally used vehicle of fighting development of all sorts.

Desert Wilderness is not like mountain wilderness. Water is almost wholly unavailable in the desert, and when it does exist it is seldom usable by humans. This means that major tracts of desert land designated as wilderness are essentially unavailable for the vast majority people to visit since road access will no longer be allowed.

This makes the present bill perhaps the most thoroughly "antipeople piece of legislation" in my memory.

Visitation of proposed wilderness by important present day users can be expected to decline severely. I believe this will also be true of park lands, judging from experience with existing parks. Many recreationists, researchers, teachers and others will surely find their needs in conflict with those of the rather narrow imprimatur and viewpoint of National Park Management, as they already do with existing parks.

The Wilderness concept sprang from need to protect various kinds of watered, usually forested lands. When applied to desert it requires visitors go on foot or by horseback and to carry supplies with them, a feat that very few can perform.

This will effectively exclude many activities such as teaching, and recreational activities of various kinds from vast tracts of land. It will eliminate thousands of miles of carefully controlled desert roads now available for all users of the desert.

(2) The Bill is uniformly opposed by nearly all present occupants of the desert. The deserts are not vacant. Ranching families have lived there since the 1880's and have learned to wrest a living from that land, mining is important and new developments that can

bolster the national economy seem imminent. These desert lands are the hopeful sites of national tests of wind and solar energy that may help free us from both fossil and nuclear fuel dependency. There is much more going on there.

The best way to deal with these present and future needs is by careful balanced consideration and planning, as has been set in motion by the California Desert Conservation Area Plan, which took four years to complete, involved exhaustive studies costing millions of dollars and involved perhaps the highest level of citizen involvement of any federal land planning process in our nation's history.

I know. I took an active part in that planning process as a private citizen. I felt then and I feel now that the democratic process has been and continues to be served by the present management, and that I, as one owner of those lands, have been able to influence the outcome toward better protection of natural values even though a host of other viewpoints were involved. I also feel that other contending users have had a legitimate say and to approximately the same extent as me, their needs have been served.

A continuing process of citizen input in the future of the desert is in place under BLM operation and this will be lost wherever the National Parks assume leadership. Their operations are historically not nearly so easy for a citizen to influence, and there is no formal open process for doing so. This is simply because instead of being chartered to support multiple use they support public recreation of a specific and fairly narrow kind.

(3) Senate Bill 7 would establish a 1.5 million acre East Mojave National Park. This park plan, as it stands, is a diffuse landscape with only scattered and typically small areas of what I conceive to be National Park quality landscape or areas of historical interest. It is a mosaic of private and public lands dedicated to other uses. It is crisscrossed by many roads, power and gas corridors and contains a large number of houses, ranches, and other holdings. It is a major part of some of the longest-standing ranch operations on the California desert. Its major values are already protected in various ways, and widely available to public use. I can see little justification in imposing disruption of lives and activities to create a substandard park that will serve a restricted portion of the public less well than the present arrangement.

I think we are much better served by the present arrangement, with its opportunity for citizen participation in changes than with the disruptive establishment of this park.

Parenthetically, I do support redesignation of magnificent Death Valley National Monument as a National Park, and in general I support addition of more land to this area and Joshua Tree National Monument.

(4) Should Senate Bill 7 be defeated or recast? Should those concerned about the problems it creates take their views to Senator Cranston's staff, or should new legislation be produced? Should we enhance the present system of management?

I think Senate Bill 7 is so extreme, and so much less satisfactory than the present management solutions that I recommend its outright defeat.

I further recommend that a separate bill be prepared to deal with Death Valley and Joshua Tree Monuments and their proposed additions.

I recommend scrapping the East Mojave Park altogether.

I recommend critical review of Wilderness Proposals for compliance with the law, and the acceptance of a reasonable, and viable number of such proposals on true wilderness merit.

Finally, I recommend significant increase in the funds allocated to BLM for its desert management task. There is no way this agency can avoid all criticism of their well-intentioned and generally skilled management when their support is so desperately inadequate. At this time I feel that doubling the ranger, education and support staff and associated budget would bring us much nearer to real desert management than we have ever been, and would be a much more satisfactory solution to a cross-section of the user public than Senate Bill 7 will ever be.

Senator Wirth. Thank you very much, Dr. Norris. Let me note that we have been joined by the distinguished junior Senator from California, Senator Wilson. Do you have any remarks that you might like to make at this particular point?

Senator Wilson. I entered some remarks in the record the last time, Mr. Chairman. Thank you. I am just grateful for the opportunity to sit today.

Senator Wirth. Thank you very much, Senator Wilson. Mr. Cranston, have you any questions for this panel?

Senator Cranston. Yes, just very briefly, Mr. Chairman. First, Dr. Hess, I would like to address some questions to you that relate to off-road vehicles since you are the witness representing that element of opposition to the bill. I recognize that as one of the major, perhaps the major source of concern about the bill and opposition to it. I understand the concerns.

I have stated clearly that I recognize the rights of off-road vehicle people to have extensive opportunities to enjoy the desert in the mode that they enjoy it.

I would like first to ask this. Am I correct in assuming that you do not believe that you should have access to all areas of the desert for ORV use, such as those that contain sensitive ecosystems and archaeological sites?

Dr. Hess. We feel that unregulated, uncontrolled ORV use is inappropriate in vast areas of the desert.

Currently, approximately 2 percent of the desert is set aside for intensive use, which includes not only open play areas for ORV use, but also the dry lake area of the Serros Lake and other heavy industrial areas.

We do feel that where historic access has been allowed on existing routes of travel within the desert, and where no environmental damage has been demonstrated through the processes that the Bureau uses at the present time to evaluate those, and those are very stringent, that continued use of vehicles or access to those areas would not be inappropriate.

Senator Cranston. I realize that you may not have had an opportunity to study maps that are necessary fully, so I do not necessarily expect you to be able to answer this question in total detail.

But can you identify for the committee areas beyond those reserved for ORV use in my bill, and those areas are extensive, that you would like set aside for ORV use?

Dr. Hess. Once again I would reiterate that if you are referring to open play areas, where you are not restraining the vehicles to existing routes of travel, there is probably little need and very little appropriate area for such activity.

The areas that I am referring to would be the areas, the vast areas of the desert where the existing routes of travel are spread out. We are not talking about criss-cross patterns, we are talking about access routes to large areas of the desert where the general public is able to go, not only in its ORV, but also in the family sedan, station wagon, pick-up truck, and camper.

These are the people that are going to be closed out of the desert. The ORV issue will not be affected, because you are not changing the ORV play areas. Those will continue to exist under S. 7.

There are no new ones. You are not closing any old ones.

Senator CRANSTON. Right. I am glad you recognize that. Can you identify roads that will be closed under my bill that are presently available, to people in limousines or whatever?

Dr. HESS. I could spend many hours of our time doing that.

Senator CRANSTON. Well, can you give a few examples?

Dr. HESS. I would suggest that as a starting point one should look at the current route designation process maps that have been developed through the public input process, from both the environmental community and the general public using community, overlay those maps against the proposed wilderness areas, and immediately shrink the wilderness areas so that they remain within those confines of roads and routes of travel and not obliterate them.

Senator CRANSTON. By very definition, a wilderness area or a proposed wilderness area must be an area without roads. So we are not including roads. I believe, and if we made some errors, those errors are subject to correction.

But I do not believe that we are proposing areas for wilderness that have regular roads in them.

Dr. HESS. The definition used at the time of the Wilderness Inventory was a maintained route road. Maintained roads in the desert are not required for access.

Most desert routes of travel that I am referring to have been there for years, they are historic wagon trails, they are not maintained by mechanical means, as was the definition.

Therefore at the time of the Wilderness Study process, we identified many of these proposed wilderness areas that should not qualify strictly on the basis that while they did not have maintained roads in them, they had large numbers and many miles of unmaintained, currently-used vehicular routes of access.

Senator CRANSTON. Are those used much by sedans, limousines, and so forth?

Dr. HESS. Many of them are. These are not all primitive ways. Some of these are extremely well-traveled and well-used and can be managed by the, generally not the family sedan because of clearance. But a well-maintained pick-up truck with reasonable tires can manage most of these.

Senator CRANSTON. I know that we can not go over all the areas in this setting that you have concerns about. But can you identify two or three where you have the gravest concerns about denial of access that you now have?

Dr. HESS. I can not identify just two or three. I could identify more like, in the Bureau's plan, 15 to 20 that need to be shrunken massively, and certainly in S. 7 add that to the 40 that you are proposing in addition.

So we are talking 55 or 60 areas at a minimum that need to be revised on the maps.

Senator CRANSTON. Well, so that that can be taken into account by the committee, could you submit in writing your specific 50 or 60 concerns? Or however many there are?

Dr. HESS. I would suggest that what I would like to see the committee consider as a starting point as the absolute maximum wilderness areas would be the Desert Plan Class C recommended, potentially recommended areas by the Bureau, and then look at those from the point of view of how many intrusions and impacts of man are already in those areas.

Senator CRANSTON. Well, we can endeavor to do that, and I will ask the committee to do that. But it would help protect the interests that you have, to the degree that they should be protected, if you can give us, not now, but in writing your specific areas of concern.

Dr. HESS. Once again, the Bureau of Land Management already has its route designation maps, and I have suggested to the committee that they obtain those maps as a starting point to look at the problem.

Senator CRANSTON. We can do that. I was hoping to get some specific examples that we could immediately consider.

Dr. Norris, may I ask you one question? You said in your testimony that many lands did not qualify for wilderness. Can you give some examples, particularly those that you consider most significant that do not qualify for wilderness?

Dr. NORRIS. I think that you can look at the designation process that has been going through the mill in the Bureau and you will find a detailed review there of all of the suggested areas.

You will find in that the reasons for rejections on a good many areas in the desert. And I suggest that that record, like the record of the roads, the roads we are talking about are dirt roads and there are a good many of them in and around nearly all of the mountain areas on the desert. So the record is already there.

Senator CRANSTON. Can you give us one example that you consider particularly outrageous, from your point of view?

Dr. NORRIS. I do not want to put it in terms of being outrageous. But if you take a look at the designated study areas at the moment, you will see that your plan includes a good many more that were not even included in the basic study of wilderness on the desert. And there are a good many of them there.

Senator CRANSTON. Yes, that is true. But I am unable to get an example of specifics where there are concerns.

Dr. NORRIS. Well, there are a good many of them. Why do you not look at your map.

Senator CRANSTON. We will. I have no further questions.

Senator WIRTH. Fine. We have also been joined by the distinguished Congressman from Los Angeles who is the House sponsor of this particular legislation, Congressman Levine. Welcome. We are glad to have you here.

We have been joined also by two members of the subcommittee, and let me recognize them, if they have any questions.

Senator Fowler?

Senator FOWLER. What happened to the distinguished in front of my name? [Laughter.]

Senator WIRTH. You have been here a long time. Levine just came in.

Senator FOWLER. Dr. Hess, I was trying to listen carefully to your responses to Senator Cranston. I believe you said that there were areas in your words where there were intrusions or the impact of man in talking about wilderness areas.

But where are those areas in your, are there areas, to use your words, where there have been intrusions or the impact of man that ought to be wilderness area and ought to be protected and those intrusions stopped?

Dr. HESS. I am not sure I understand your question, sir. You are saying that——

Senator FOWLER. You said, and I do not think I took it out of context. I am not trying to trap you. These are not the Iran hearings.

You said, in response to one of Senator Cranston's questions, that there were wilderness areas, although I do not think you said wilderness, there were areas where there were serious intrusions or the impact of man.

What I am asking you is, are those areas, are there in your thinking, is that happening? Are those things happening in areas that ought to be designated as wilderness area, and those intrusions stopped?

Dr. HESS. Okay. My understanding of the original intent of the Wilderness Act of 1964 was to preserve existing wilderness, areas that were substantially untrammeled by man, I believe, is the term.

Now, if you are asking me, are there areas where man has already been and was prior to the inventory process——

Senator FOWLER. No, that is not what I am asking. I want to make it simple. I am a Georgian, I am not a Californian. I have not been out here. He is from Colorado. One of them is from Alaska.

I know there is all this legislation that is being cited, but we are going to have to decide, it seems to me, on the committee is in this area that Senator Cranston is proposing for wilderness, are there areas within what he has proposed that we can find an agreement that should be designated and permanently characterized as wilderness, even though there have been some intrusions and there have been some traditional trails?

And as critics of the plan in one degree or another, and I am at least trying to find is there some agreement among the people at this table, specifically you, that if you are going to have a balanced plan under any law in the past or any law that we may create, it should include genuine wilderness with the restrictions that we all understand go along with genuine wilderness.

Now, that is pretty clear to me.

Dr. HESS. Can I explain a point first, then?

Senator FOWLER. Well, yes——

Dr. HESS. I know it is taking time. We all want to protect the values that are there now. We want to protect the scenic beauty. We want to protect the varied plant and animal life. We want to protect the values that all of us go to the desert for now.

We do not require wilderness to protect most of those areas. That can be done by zoning, by administrative enforcement, and there are areas, yes, there are areas in the desert that definitely should be wilderness, and in general those areas are substantially current, in the past, and currently unaffected by man.

Senator FOWLER. Well, what Senator Cranston is asking you to do and all of you to do is to let him know where those areas are that you would agree upon. And we will have made some genuine progress, it seems to me.

Dr. HESS. We are prepared to do that with the committee.

Senator FOWLER. What nobody can handle is the business of, you know, everybody saying, I am going to take my ball and go home. If in your case, we know if you are not going to be able to drive an off-road vehicle in it, then, you know, I am going to oppose it.

I assume that you are telling me that there are some areas not yet designated as wilderness in which you would agree that there should be no off-road vehicles?

Dr. HESS. Absolutely.

Senator FOWLER. Well, it certainly would be helpful if you would let us know what those areas are. You might be surprised that there might be some concessions developed in other areas.

Dr. HESS. We were prepared to do that in time for the Bureau's schedule. We have been working on this for years. We were prepared for a timetable that had this act coming up in 1991. We unfortunately have been pushed ahead by five years.

And as essentially an all-volunteer force, that has made an incredible impact on our ability to respond to site-specific data at this point. We are collecting that.

Senator FOWLER. I appreciate that. But you understand what we are trying to do. And it gets us out of this amorphous concept and questioning, if we do get at least an agreement.

You see, with all due respect to our friends in the Bureau of Land Management, who I see are still here watching me closely, they have, I mean I learned something yesterday. They say that there is no such thing as wilderness under the Bureau of Land Management, at least in California, until the Congress says that it is wilderness, until the Congress acts.

I would have thought that the Bureau of Land Management in their balanced plan would have already said, this area is so fragile, or this area is so scenic, or this area has so much archaeology or whatever, that we are not going to allow mining or off-road vehicles, and we are going to hold this and recommend that. But they have not done that.

They testified that they have got some ideas, but in the meantime we are going to let the roads be used. We are going to let the miners build a couple of new roads, and all of that was testified to yesterday.

Dr. HESS. In the areas that I think you are describing that are so obvious that nobody would disagree. A significant number, I think it is 10 or 12, were closed prior to the onset of the desert plan and they have remained closed.

In Turtle Mountains there are several, and I cannot quote them under pressure, I am afraid.

Ms. BRASHEAR. About 600,000 acres, sir.

Dr. HESS. The Bureau in addition has identified 120 some odd areas of critical environmental concern, which in most cases have received intense and in-depth study, and most of them have management plans.

And in most cases those management plans restrict virtually all activities outside of the preservationist viewpoint. But they have not called them wilderness.

Senator FOWLER. Well, Mr. Hastie is here. We could bring him back to the table. I know he does not want to come.

But the point is that virtually does not count in a wilderness area. There is legitimate argument on what ought to be wilderness and what ought not to be wilderness and whether it ought to be 600,000 acres or six million acres, we are going to fight on that in Alaska all the time.

We fight about it in California. We even fight in Georgia sometimes. But virtually does not count. Once you decide an area is going to be wilderness, wilderness does not have motorcycle races in it.

That does not take an act of the Congress. That is an act of anybody's common sense.

Dr. HESS. If the area that was identified, however, as potential wilderness has had motorcycle races going on it at the time you identified it as potential wilderness, then I have trouble understanding why you object to the continued use of that same single road, doing no more environmental damage.

Senator FOWLER. Because we would not have, it is not just the environmental damage on the road. We have got to have some places that if they are going to be wilderness, you do not have the motorcycle races.

I realize that reasonable men and women are going to disagree on where those should be, and how large they should be. But we would not be sitting here, Senator Cranston would not be offering a bill, Teddy Roosevelt would not be offering a bill 50 years ago to set aside some areas if somebody came in and said, well, we have always been driving snowmobiles through there and therefore you can not set this aside for wilderness because somebody had a snowmobile track before you guys got here.

Dr. HESS. That is the definition of wilderness in the act.

Senator MURKOWSKI. I wonder if my colleague from Georgia would yield?

Senator FOWLER. Just a second. Let me end this by, I am trying to say, we are going to have to make the decisions, so let me just say to all of you that where we can find some agreement as to these different characterizations and categorizations, it would be very helpful to the committee to have that.

We started out saying the other day, and we all agree on that, that the demands are such that nobody's fondest hopes can be recognized. There are too many people in California. It is growing all the time.

There are too many people to accommodate the parks. The demands are growing all the time. I realize people want to roam around the desert and pick up rocks. I realize all of these arguments about strategic minerals.

I realize that people like to use their off-road vehicles. And I also realize that there are people who would like to preserve an ecosystem without all of these things going on around them.

And what we are trying to do is to figure out how to do that. So please help us with that by trying to identify, even though you have been frustrated by this plan over here and frustrated over there.

The buck is going to stop here now, and we are going to have to make the decision. Thank you, Mr. Chairman.

Senator WIRTH. Senator Murkowski?

Senator MURKOWSKI. Thank you. As someone who has had a little experience with wilderness, in that we have about 56 million acres in our state, I can tell my colleague from Georgia that once an area is determined wilderness, there may have been pre-existing utilizations.

But it becomes so restrictive as to be practically impossible to continue. And that is just a harsh reality associated with the——

Senator FOWLER. Well I would say that is the purpose of making it wilderness.

Senator MURKOWSKI. Well, there is no question about it. So what I am doing to my friend from Georgia is basically aligning with the attitude that is very important that particularly in areas where there is highly mineralized deposits that we select those areas for wilderness that basically are suited as best for wilderness and do not necessarily have high mineral areas, everything else being equal.

Unfortunately, more often than not, everything else is not equal. But that is an ideal setting. Mr. Chairman, I would basically like to ask this group, which I gather are users, inholders, those that have an interest, an everyday interest, a lifetime interest, an interest associated with closeness to the land, if you will, as opposed to a casual user or observer or one who simply is idealistic, which we all are to a degree.

I am interested in knowing from one or two of you how the bill would impact your ability to access the desert, conventionally, compared with the access allowed under the California Desert Management Plan.

My question is whether you feel you were involved adequately in preparing the Management Plan. Were you involved in the drafting of this bill? In other words, did you have an opportunity as users to be represented in what we are considering before us?

It seems there is an eagerness, Mr. Chairman, to answer this question.

Mr. FIFE. I am a geologist, and I will answer that from the standpoint of accessing environmental resources. When the Wilderness Act was created in 1964 we envisioned relatively small areas, mountaintops, a few million acres.

Senator MURKOWSKI. A little louder please.

Mr. FIFE. The Wilderness Act in 1964, from the testimony I have seen, envisioned a few million acres, a few mountaintops. We are now talking about 100 million acres in this country.

In the California desert we have the same problem now. We have so much wilderness, and the resources are largely unknown. In fact, I recently put together for the South Coast Geological Society two volumes, a 500 page and a 700 page volume, which the committee has in their library.

Senator MURKOWSKI. Well, why would you not logically proceed under the California Desert Management Plan, or to make a determination of whether it has a valuable mineral resource?

And if it has not, then why could it not be wilderness, without any difficulty?

Mr. FIFE. That is a very good question.

Senator MURKOWSKI. Well, why can you not answer it?

Mr. **Fife**. I can answer that in the sense that we are talking about such a large area, and the database there is really 30 to 40 years out of date. There has been no in-depth regional studies for economic minerals or energy in the desert.

Senator **Murkowski**. Why?

Mr. **Fife**. Nobody has funded it. Since 1960, Federal and state funding——

Senator **Murkowski**. California, the Nation, the industry, you are a geologist.

Mr. **Fife**. Well, for instance, a mining company that wants to study one area, recently it was a gold deposit found in an area where it had been prospected for 200 years.

And the small mom and pop mining operation had been there for 30 years. They discovered a billion ounces of gold there in 1982. Excuse me, $1 billion worth. Three million ounces.

Senator **Murkowski**. Do you have any proposal in a reasonable timeframe to go ahead and do a mineral evaluation? Could U.S.——

Mr. **Fife**. One of the problems is, you can evaluate small area. We are talking about large areas. We are talking about 8.8 million acres here. And that is a very large area.

Senator **Murkowski**. Well, some acreage has more promise than others.

Mr. **Fife**. That is true. And one of the things that concerns us, that is an excellent point, is that the boundaries of Death Valley National Monument, Joshua Tree National Monument, which are being expanded, have the boundaries drawn around mineralized areas, back in the 1930s, almost 50 years ago.

Senator **Murkowski**. Well, would this legislation damage the Death Valley? Are there borax reserves out there? Is this the kind of thing you are talking about?

Mr. **Fife**. It does impact it because what the legislation does——

Senator **Murkowski**. Well, they could still mine. Is it the implication that it becomes so restrictive that you can not get access like it is in Alaska?

Mr. **Fife**. That is part of it. I mean, I have got some horror stories you do not want to hear right now, probably. But in respect to Death Valley——

Senator **Murkowski**. I have got some better ones. But that is all right. We will let it go.

Mr. **Fife**. In respect to Death Valley, for instance, exploration for more mineral deposits, of course, has been frozen with the 1976 act, Parks Act.

As reserves are mined out, you cannot keep on mining because you cannot find any more reserves. That is our problem with this bill, is that the bill——

Senator **Murkowski**. Well, why did you not have any input in the bill, through the process?

Mr. **Fife**. Well, we had input in the BLM process, and there was a compromise in 1980 called the California Desert Conservation Plan. Nobody was happy with it. Mining was not happy with it. Preservation conservation was not happy with it. Conservation in general was not happy necessarily.

But it probably was a good reasonable plan, because no one was completely happy. Our problem with mineral resources is, we do not know what is out there and we are locking up large areas.

It is like having a big field full of haystacks, and under some haystack there is a needle that is a very valuable resource. It might be the Nation's principal source. We do not know which one of those haystacks is the wilderness area that we want to close up.

Senator MURKOWSKI. Well, why did you not adopt the California Management Plan then?

Mr. FIFE. We participated, I am speaking——

Senator MURKOWSKI. Why does this bill not contain it?

Mr. FIFE. That is a very good question. We would like to have been consulted on this. Apparently this bill was presented by a very small group of people without consultation of the community at large. And that is one of our concerns.

Senator MURKOWSKI. Could somebody elaborate for the record on that? I think it is significant.

Dr. LUTZ. Senator, we have had testimony for years on this council that I happen to chair. We have had public testimony. We have had public input all over the State of California in the desert.

The cumulation of all these inputs came up with a plan which was a recognition of the diverse interest in that desert. They have all been recognized. That is why no one is 100 percent satisfied. Because they had to give a little, here and there.

The cumulation of that plan is a presentation by the Bureau of Land Management, Department of Interior, as charged by Congress. It is a good, workable plan. And to answer your question, yes, we have all been involved in that, for years and years and years.

And I have to say that S. 7 subverts the process that Congress mandated to the Bureau of Land Management, in which we have all been involved. It subverts it. It stopped it. Those of us involved——

Senator MURKOWSKI. I am not as knowledgable as my colleagues on this. But I assume what you are telling me is that the proposal of the California Desert Management Group has never been presented before the Congress in its recommended form or a semblance of that form.

Dr. HESS. That is correct, and it is due in four years. The timetable that we were all working on prior to the introduction of S. 2061 last year was a timetable that culminated in 1991, when the Desert Plan would be presented to the Congress for its adoption.

Senator MURKOWSKI. But if this bill passes then what happens to the 1991 target date?

Dr. HESS. Everything that has been done and everything in the future is trashed.

Dr. LUTZ. I just want to continue on for about one more minute to answer further your question. Under Park Service management, wildlife cannot be managed. Their charge is different.

Same Department of Interior, but their charge is different. There is no management under National Park Service on wildlife species. The charge to the Bureau of Land Management is the reverse. There is management of the habitat and the species.

You have given the responsibility to the Bureau, you have not given them the authority, you have not given them the money, you have not given them the manpower to discharge that responsibility.

And then again, the State of California comes into operation. They are, as we all recognize, in charge of wildlife. They cannot pursue their duties within National Park Service boundaries or in wilderness areas.

The desert is a different kind of an entity than the forest reserves in the Department of Agriculture. We need the ability to use mechanized transport, whether it is 4-wheel drive, ATVs, helicopters or whatever.

Without that you cannot do anything. You can not even get out there nine months of the year. Thank you.

Senator **Murkowski**. I do not want to take too much time.

Ms. **Brashear**. Mr. Murkowski, you asked another question. Why were we not involved in developing S. 7? We were not asked to participate.

Senator **Murkowski**. Well, did you voluntarily——

Ms. **Brashear**. We did not know they were doing it.

Senator **Murkowski**. Who is they?

Ms. **Brashear**. The Sierra Club, the Wilderness Society, the San Gregonio chapter of the Audubon Society, the Desert Protective Council, and a number of other small, the West Covina Women's Garden Club is one of their supporters.

The leadership of those organizations within California got together, decided to speed up the process, forgot to inform the rest of the world, and I mean the rest of the world, and went to Senator Cranston.

I understand from talking to Kathy Lacey in his office, he incorporated two other requests within the proposal. And we have before us S. 7.

Senator **Murkowski**. Well, obviously you have had your opportunity today, and you continue to have it. That is part of the system.

Ms. **Brashear**. Yes, sir.

Senator **Murkowski**. I appreciate you responding to my question with regard to your previous ability to access the recommendations of the California Desert Management Plan into the legislation, and the reality that it was supposed to come on in 1991.

And if this legislation takes place the plan is going to be basically irrelevant. And I would leave my distinguished colleagues from the state who are much more knowledgable than I.

And I want to apologize. It is not my intention, you know more about California than I do. But I do have some sensitivity to wilderness, which I happen to believe in.

I do believe very strongly that every effort should be made with the technology available to do what mineral research inventory can be done in a reasonably expeditious manner by noted geological information that we already have to try and make some decisions prior to a later date finding that you put really the wrong area in a wilderness, when you did have a choice. You do not always have a choice.

So with that profound statement, I defer. There is one other comment the gentleman wants to make.

Senator **Bingaman** [presiding]. Why do we not take the one other comment. And since I noticed this is the second panel of seven, maybe we should go on to the third panel after the comment.

Senator **Murkowski**. That is one of the nice things about being in the minority, Mr. Chairman.

Senator **Bingaman**. Unless Senator Wilson or Senator Cranston have additional comments.

Senator **Wilson**. I have a couple of brief comments.

Senator **Bingaman**. Go ahead with your comment, and then Senator Wilson.

Dr. **Norris**. Comment about participation, I was deeply participating, and over the length of time that it went on, the four years of planning for the desert program under BLM, my participation was, I thought, democratic. I did not get everything I wanted. But I had my say. I have had no say in what we have before us.

I think if you look at the map with the red on it, you will see my point up there, with the most red, you will see my point. That includes parks and wilderness, and the parks are going to produce a landscape which has very controlled access over roads. And the wilderness is going to exclude it.

And I reiterate again that you cannot get into desert wilderness on foot during much of the time, or at least you should not try. And as a result there is an enormous exclusion going on.

Look at the Los Angeles coastal plain there. Cross that off of the map and you will see what we are talking about. The desert area is essentially everything else.

Senator **Bingaman**. Senator Wilson?

Senator **Wilson**. Thank you, Mr. Chairman. Unfortunately I am going to have to step out in a few moments to go to the meeting on AIDS.

But before I go let me ask a couple questions of this panel. Mr. Fife, or is it Dr. Fife?

Mr. **Fife**. Don Fife is fine.

Senator **Wilson**. As a geologist, does the wilderness designations of S. 7 put off-limits any of the rare earth metals that are required like yttrium or lithium for superconductivity?

Mr. **Fife**. Well, as I see it, there has been an attempt to, like Senator Cranston's staff or the proponents of the legislation, to exclude the mine at Mountain Pass, which is a very reasonable thing.

But we are looking at this superconductivity revolution, again, which may give us a pollution-free electric car. It is going to take a tremendous amount of rare earth to convert the American fleet of cars to a pollution-free electric car, for instance. Or all wires.

Senator **Wilson**. My question is, does S. 7 put off-limits?

Mr. **Fife**. Okay, it does take the mineral trend we know of that is identified as a mineral trend, it is about seven miles long. It goes outside of the area, at least the last I saw of the maps, and is included in the Mojave National Park.

The geologic environment that contains that actually extends along this overthrust belt in the eastern desert, for miles. We do not know what its extent is. But the geological environment is there where we should have future discoveries.

And there is one thing that is unknown, and we have a paper in one of our recent volumes, is that yttrium, which is another rare earth that is needed in this technology, which is not one of the dominant things at Mountain Pass, it is found along the western margin of the desert, all the way along the San Andreas Fault from Los Angeles to Imperial County.

And, in fact, we have some minor production coming on line there right now. And there is some tremendous resources that are being proposed, at least the geologic environment is being proposed for wilderness along the western desert, the Oracopian Mountains, the Chuckawalla Mountains, the Bighorn Mountains even perhaps.

These go, they merge with the forests. But of course this bill includes 134,000 acres of proposed forest area that I believe even Senator Cranston found were unsuitable during the 1984 Wilderness Act. They appear in S. 7, as far as I can tell.

The Bighorn Mountains wilderness takes in the Granite Peak wilderness, which is the eastern extension of the Lucerne Valley limestone district, and includes mineral resources there.

That is a $200 million a year industry, which supplies half of the carbonite resources, cement and wallboard and paint and things, to southern California. This bill will close that.

Senator WILSON. Dr. Fife, have you reduced to, and I apologize, I was not here in time to hear your testimony and it is ample. I have not read it.

Does this contain specific reference to areas? Do you designate in writing those areas that you describe?

Mr. FIFE. That is correct. There are some specific cases, that certainly does not include all of them.

I think my feelings can be summarized in about one statement in regards to the mineral resources, and that is that the absence of evidence is not evidence of absence. That kind of sums it up.

Senator WILSON. Dr. Hess, if I understood your response to Senator Cranston—thank you, Dr. Fife—the area that S. 7 designates for what you term play areas, ORV play areas, in your judgment is adequate?

Dr. HESS. S. 7 does not designate any areas as play areas. Those areas are ignored totally. It is not addressed in the bill. They are left under the Bureau of Land Management. But the bill itself does not address that problem at all.

The areas that we have now are adequate, yes. To answer your question, the areas that we have now are adequate. S. 7 does not either decrease or increase those areas.

What we are requesting, and again we are getting into terminology that are going to have to work with the committee very heavily, is the kind of activity and access that we are asking is the so-called linear experience, the ability to get somewhere.

Senator WILSON. Yes, I think we are having some definitional problems. But let me try to understand. You say that the area's that you have now are adequate and that the bill does not decrease those.

Dr. HESS. That is correct.

Senator WILSON. Well, then, on that score you would have no complaint.

Dr. HESS. On the open play area, I have no complaint.

Senator WILSON. So your complaint has to do with access.

Dr. HESS. Exactly.

Senator WILSON. And by access you mean the ability to use certain designated routes.

Dr. HESS. Yes.

Senator WILSON. Now, let us get into the definition of what those routes are. What are they? What designates them? What are you talking about when you say that you are seeking access to routes?

Dr. HESS. We are talking about routes of travel that exist on the ground in the desert.

At the present time, the Bureau of Land Management has a process for taking in their Class M and Class L areas, the intermediate group on the Desert Plan, for looking at all existing routes of travel on the ground in those areas, and making a determination of whether they should be designated as a route of travel.

Now that designation has several aspects. One, you have got to have agreement that the route is there. In other words, I have to look at it and say, I see a road. Somebody from the Bureau has to say, yes, there is a road there. And generally, somebody from the environmental community has to say, yes, we see the road too.

Then, the second step is, is that road affecting the environment around it in a detrimental way? Is that road affecting wildlife access to springs? Is it causing soil erosion because of its placement? Is it leading to a cultural site, such as a petroglyph that is having problems with vandalization?

And then the management decision is made as to whether the road should be closed, whether the road should be open, whether the road should have limited activity, limited use, whether it should bypass, for instance, a sensitive area or be rerouted around a sensitive riparian zone or historical site so that the road itself causes no damage. The use of the road.

The road obviously causes damage. The damage is there on the ground now. That is the first step. Is there a road there? But then the second step is, that we are perfectly willing to go along with is, is that road and use of that road for non-free play, for access, not for necessarily wide open racing, for free playing off the road.

Free play off a road in most of these areas is illegal. People are occasionally cited. They should be cited much more often. If somebody is doing something illegal in the desert, they should be cited.

But if the illegal activity on the road is not causing a problem with the environment that the road leads to, there is no reason to close it. And that is what the designation process goes through.

It says that the road is there, and it says it is environmentally neutral. And those roads currently go through much of the wilderness that is being proposed in this bill.

Senator WILSON. And the roads that you are talking about are usable by what kind of vehicle?

Dr. HESS. Four-wheel drive vehicle always. I take that back. There are occasional ones that are too narrow, and therefore are used specifically by bikes or three and four-wheeler, the ATV group, and by mountain bikes.

Most of them are accessible by four-wheel drive. I would say well over 50 percent of them are accessible by a two-wheel drive vehicle driven slowly and carefully. I do four-wheel drive. I very seldom put my vehicle in four-wheel drive to go out, because that way if I get stuck I can come home again.

You do not go there in four-wheel drive. You come out if you happen to get stuck. It is an insurance policy. You can get most of these places there in two-wheel drive. Slow. Not high speed. Five miles an hour. Walking speed. But you can get there.

Senator **Wilson**. Thank you.

Senator **Bingaman**. I thank this panel very much. If the third panel would come forward, it is Judith Anderson, Douglas Karl, James Dodson, Genny Smith, Dr. Robert Stebbins, and Howard Chapman.

Why do we not go ahead and take all of the statements first. I guess they are on a three minute limit on time here, which means people have to be very quick in their statements.

Why do we not start with Judith Anderson, the Chair of the California Desert Protection League.

STATEMENT OF JUDITH A. ANDERSON, CHAIR, CALIFORNIA DESERT PROTECTION LEAGUE

Ms. **Anderson**. Thank you, Mr. Chairman. My name is Judy Anderson and I represent the 54 organizations that belong to the California Desert Protection League, and I do have a written statement to supplement this.

It has been said that this bill contains too much wilderness and too much park, it is too encompassing. I would like to take my three minutes to tell you a story that I think will give you a different perspective.

My story starts in Iowa about the turn of the century when a young girl was stricken with polio. She recovers and she goes on to pursue a Ph.D. in mathematics and to join the opening of the Institute for Advanced Studies at Princeton, where she is able to greet Albert Einstein every morning on her way to work.

She married another mathematician, and she moved to California to teach mathematics and to raise her children. She and her husband fell in love with the California desert. They spent every opportunity that they could out in its byways for probably 50 years.

They eventually bought a square mile of this desert. Very ordinary desert. Creosote scrub type. Near this square mile that they owned is the Mecca Hills. And that has become their favorite haunt.

She began taking friends to the washes on the narrow painted canyons in the area, and it is also a favorite of geologists, who look at the labyrinth, it lies right along with San Andreas fault.

Only a few years ago she retired from her post as Chairman of the Mathematics Department at Occidental College. Unfortunately, her husband passed away not long after, leaving this 75-year-old woman to face a battle with cancer.

The struggle has left her frail and weaker. But her spirit and her love of the desert remain. She is now over 80. Her eyesight prevents her from going to the desert very often. So when the rest of us are going we frequently call her up and ask her if she would like to go along. And she always does if she can.

The very first meeting of the California Desert Protection League was in her home in Los Angeles. She is very pleased that the Mecca Hills are going to be preserved as wilderness.

But down deep we know that we broke her heart a little bit because she really wanted the Mecca Hills to be part of Joshua Tree National Park. There is a story like that for every area. And I would like to present that these stories too are part of what you need to consider.

[The prepared statement of Ms. Anderson follows:]

California Desert Protection League

STATEMENT OF JUDITH A. ANDERSON

CHAIR, CALIFORNIA DESERT PROTECTION LEAGUE

BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS

AND FORESTS

ON

S.7, THE CALIFORNIA DESERT PROTECTION ACT

JULY 23, 1987

3550 WEST SIXTH STREET, SUITE 323 LOS ANGELES, CA 90020 (213) 387-6528

My name is Judith Anderson. I thank the Committee for this opportunity to comment on S. 7, the California Desert Protection Act. I live in Montrose, a suburb of Los Angeles, and for 18 years have taught high school mathematics for the Los Angeles Unified School District. In 1970, not long after I arrived in California, I began my acquaintance with the California desert, and began working to protect the marvelous natural resources of southern California.

The Briefing Book provided to each member was prepared "for the California Desert Protection League," which I chair and for which I give testimony today. The League was informally constituted in 1984 to promote cooperation and coordination of activities by all organizations and individuals supporting protection measures for the California desert, and to encourage additional like-minded organizations to become active on this issue. A partial list of the supporting organizations is listed in the back of the briefing book.

This testimony represents many of the smaller organizations which cannot afford to send representatives to these hearings in Washington, D.C. In addition it represents the concerns of some of our most active participants whose summer schedules do not permit their attendance today, including Harriet Allen and Lyle Gaston, with the Desert Protective Council.

By force of persuasion and consensus, the League has set its goals for the California desert, and it has been able to keep the message clear about what it is that it wants in the California desert. In the broadest terms, the organizations seek:

(1) the expansion of both Joshua Tree and Death Valley by park quality lands adjacent to them, and their designation as National Parks;

(2) a new National Park in the eastern Mojave Desert;

(3) designation of appropriate lands as wilderness in the three National Parks;

(4) Bureau of Land Management (BLM) Wilderness in accordance with the Wilderness Act of 1964, to include protection for the maximum number of desert resources; and finally,

(5) special provisions for
  (a) lands adjacent to Red Rock Canyon State Park, and
  (b) for the Indian Canyons in the vicinity of Palm Springs, and
  (c) a Congressionally designated Lily Sanctuary.

Long as this list is, there are additional areas in the California Desert Conservation Area which require protective management, notably the Areas of Critical Environmental Concern.

We count on the adequacy of future BLM appropriations for management of these and all other public lands.

The comprehensiveness of the proposed legislation--the kinds and numbers of protective units it proposes--is rooted in several factors, most basic of which is neglect. It was not until 1976 and the Federal Land Policy and Management Act (FLPMA) that the BLM was required to assess the wilderness characteristics of lands in its jurisdiction. Meanwhile the competitive pressures in the southern California desert, especially for recreational use, were beginning to leave gross scars on the fragile soils. In the ensuing ten years, these pressures have reached epic proportions. They include:

1) **urbanization** in the Los Angeles Basin, in the inland empire of San Bernardino, Riverside, and Redlands, in the Mojave Desert communities of Lancaster, Palmdale, Ridgecrest, Victorville, and Barstow, in the Colorado Desert around Palm Springs; (Victorville experienced a 43 % increase between 1980 and 1986.)

2) **increased vehicle use,** for massive off-highway group races, encampments, and general recreation, through the promotion of all terrain vehicles of three and four wheels for all ages, and the appearance of mountain bicycles, and in the growth of recreational vehicle camping, along with the return of easily available, low-cost gasoline;

3) **increase of outdoor recreation** pursuits by the general public;

4) **reduction of funding** for the BLM, ever since the current administration took office, resulting in reduction of personnel, and the inability of the reduced staff to monitor or enforce its regulations;

5) **encouraging of extractive development,** including leasing or offering for oil, gas or geothermal lease nearly all of the BLM lands affected by S.7, and fast-tracking of mining plans of operation.

Others will testify on the detailed effects of these pressures on sensitive desert soils, plants, wildlife, and other resources.

The desert is too big for any one to know what is going on everywhere, all the time, and it takes a great deal of time to get to know the vast areas of the desert. Many of the individuals and organizations involved as advocates of S.7 and H.R. 371 began their efforts to identify wilderness long before the enactment of FLPMA. Many of the organizations represented here today have long been active on a local scale, and their detailed knowledge of the history and current status in the various corners of the desert has been used by Senator Cranston and Congressman Levine to identify and distinguish between those areas which warrant wilderness protection, and those which belong in National Parks. A veritable desert legion of eyes and ears has provided specific examples of problems and proposed solutions for the legislative efforts in both Houses.

The Bureau of Land Management staff in Resource Area offices changes frequently. Few of the personnel either in the offices or on regular patrol as rangers are the same as those who were there in 1980 when the Desert Plan was adopted. It is therefore very difficult for these personnel to assess the scale of change they see--whether it's new or old, whether it has occurred rapidly or slowly--or even to share and feel a stake in implementing the Desert Plan, even to understand fully what the goals of the Plan really were. Many of our activists, including many here today, have had longer experience with what's happening on the desert than any of the Resource Area managers. We actually know better what's happening "out there" than local managers do.

However, there are instances in which we are not fully informed. But it is not from inattention or lack of will or interest or even time, but from failure of the BLM to adequately inform the public of intended actions, for example, permit applications for new mining activities. Our network gets wind of pending developments, but sometimes information is not confirmed until we invoke the Freedom of Information Act.

This is the appropriate time to move on this legislation. We have seen the scale of loss of desert habitat for many species escalate in the last few years, and we share the fear that if legislation is delayed that too many of the irreplaceable resources will be lost beyond recovery.

The fervor with which we embrace this legislation is tempered only with the realization that even this legislation will not completely solve all of the problems we perceive in the desert. We are fully aware that good laws can be subverted if the public is indifferent. And so we are prepared to continue to monitor both Bureau of Land Management and National Park Service actions--continue to survey bird populations and rehabilitate their habitat, continue to build fences to protect archaeological resources, continue to offer future generations the opportunity to take on the task. We will continue our efforts to educate the public on the values of the desert resources, and their fragility, long after this fine legislation becomes law.

The California Desert Protection League is committed to long term desert protection. We ask that you enact this legislation to provide us and the Bureau of Land Management and Park Service with what we feel is an absolutely essential tool for that job.

Thank you.

Senator **Bingaman**. Thank you very much. Mr. Douglas Kari, you are the founder of the Desert Survivors in Los Angeles.

STATEMENT OF W. DOUGLAS KARI, ESQ., FOUNDER, DESERT SURVIVORS, LOS ANGELES, CA

Mr. **Kari**. I am an attorney from Los Angeles. For the past seven years I have monitored the BLM's management of the California desert, and may it please the subcommittee I would like to share with you a few examples of what is really going on out there.

Now, in one case I was involved in, in a wilderness study area, the BLM allowed a miner to helicopter a bulldozer into the middle of the wilderness study area and to build a processing plant.

Well, the miner abandoned the operation and he also left behind 1,000 gallons of sodium cyanide in rusting barrels out in the open by a popular hiking trail. It cost the BLM $30,000 to remove the cyanide, more than $30,000. But the processing plant and the bulldozer are still there.

Well, eventually, administrative law judges in the Interior Department ruled in our favor that this activity should not have been allowed to take place. But by then, it was too late.

In another case, a miner illegally bulldozed an eight mile long road in the number one ranked wilderness study area in the entire California desert. Well, the BLM finally stopped him, as they should have.

But then, just a few months later, they allowed him, without telling any of us, to go back in there and to build another road, this one two miles long, that now runs within just a few feet of a rock formation decorated by ancient Indian rock drawings. And the miner has intentionally defaced that formation, but the BLM has allowed the road to remain open.

In another case, involving the Mecca Hills, a miner walked into a BLM office and said, I want to go into the Mecca Hills, I want to cut down a ridge. I want to lower that ridge by 120 vertical feet. I want to remove over one billion pounds of soil.

And the BLM approved this plan. Well, we did not find out in time to file an appeal. But when we did find out, I was outraged. I phoned the BLM officer who had signed off on this plan and I said, how can this be?

And she said, oh, this will not impair the wilderness characteristics of the Mecca Hills. The ridge will just be a little lower than it was before.

I could cite you case after case similar to this. But time does not allow. But there is lots of this type of mismanagement going on right now in the California desert. Thank you.

[The prepared statement of Mr. Kari follows:]

W. Douglas Kari, Esq.
333 South Hope Street
Suite 3100
Los Angeles, California 90071
(213) 680-7000

UNITED STATES SENATE

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. Chairman and Honorable Members of the Subcommittee:

Thank you for this opportunity to present testimony in support of the California Desert Protection Act (S.7). That Act is needed to alleviate mismanagement of the California Desert by the Bureau of Land Management (BLM). My testimony concerns several examples of that mismanagement.

BACKGROUND OF MR. KARI

I am an attorney with one of California's major law firms. I reside in Walnut Creek and Los Angeles, and practice in federal and state courts throughout California. My clients include major corporations, banks and securities firms.

In 1978, I founded Desert Survivors, a nonprofit corporation dedicated to the conservation of desert wilderness in the southwestern United States. I served as president of that organization for six years, and currently serve as its general counsel.

I have extensively studied public land laws and am regarded as an expert in the Federal Land Policy and Management Act (FLPMA), the Mining Law of 1872, California water law, and other federal and state laws and regulations affecting BLM land. I have published numerous articles about the BLM and about public land laws, and have traveled throughout the California desert.

MONITORING OF BLM ACTIONS

Since 1980 I have participated in BLM planning for the California Desert Conservation Area (CDCA), a special management area created under section 601 of FLPMA, and have reviewed many development actions proposed by mining operators, off-road vehicle (ORV) users and others. For the past two years, I have monitored all such proposed actions in all Wilderness Study Areas (WSAs) in the CDCA.

In many of those cases, the BLM has disregarded express provisions in FLPMA, has ignored its own regulations, and has violated its own written policy. In addition, the BLM has repeatedly exhibited a callous disregard for the environment and a complete lack of common sense. A few of those cases are as follows:

Inyo Mountains

The Inyo Mountains (WSA no. 122) has groves of bristlecone pines that were alive before the birth of Christ, and steep canyons with cascading waterfalls.

In 1983, however, Douglas McFarland, a GS-11 Geologist who left the BLM after an investigation revealed that he was prospecting on government time, helicoptered a large Fiat Allis bulldozer into isolated Keynot canyon, which contains a species of salamander (Batrachoseps campi) which is so rare that it is found only in a few canyons of the Inyo Mountains.

Mr. McFarland was beginning mining operations even though he had not posted the reclamation bond required by the BLM, the local County, and the California Water Quality Control Board. Also, Desert Survivors had appealed the BLM's approval of Mr. McFarland's operations to the Interior Board of Land Appeals (IBLA), and under BLM regulations (43 C.F.R. section 4.21(a)) the operations should have been suspended pending the outcome of that appeal.

I personally contacted Gerald Hillier, California Desert District Manager, by phone and in writing, and notified him of his obligation to suspend the operations. Mr. Hillier, who was Mr. McFarland's former supervisor, refused to do so.

Mr. McFarland bulldozed part of the canyon, constructed a large processing plant, and drained a water source before he ran out of money. He then abandoned the bulldozer along with tons of junked equipment, and left boxes of explosives and rusting drums containing a thousand gallons of cyanide sitting unsecured by a popular hiking trail.

Subsequently, the IBLA and an Administrative Law Judge determined that the BLM should not have allowed the operations to take place. (Desert Survivors, 80 IBLA 111 (April 3, 1984), and unpublished Decision of Administrative Law Judge E. Kendall Clarke (August 28, 1984)).

By then it was too late. Only after the Subcommittee on Public Lands of the House Interior Committee questioned Interior Secretary Donald Hodel on July 18, 1985 about the incident did the BLM finally remove the cyanide, at a cost to taxpayers of over $30,000, which Mr. McFarland has not repaid. The bulldozer and junked equipment remain at the site.

In another case in the Inyo Mountains, mining operator Salvatore Campagna asked the BLM for permission to build two pipelines -- one nearly two miles long -- to divert water from a stream in Beveridge Canyon, which is regarded as one of the most significant riparian habitats in the northern Mojave Desert.

The local (Ridgecrest Area) BLM office concluded that construction of the pipelines would violate the environmental protections of Title V of FLPMA, which governs rights of way on BLM land, and rejected the proposal. But Ed Hastey, California

State Director, and Robert Anderson, Deputy State Director for Mineral Resources, reversed that decision. They claimed that the protections of Title V do not apply at all if the right of way is for mining purposes.

Desert Survivors appealed to the IBLA. Recently, the IBLA issued its decision, in which it held that there was "simply no authority" to support the position taken by Mr. Hastey and Mr. Anderson. (Desert Survivors, 96 IBLA 193 (March 19, 1987)). In essence, they had disregarded express congressional language to reach the result they desired.

Saline Valley

The Saline Valley (WSA no. 117) is ranked by the BLM as the top WSA in the entire CDCA. Under the California Desert Protection Act, the Saline Valley would be included in a Death Valley National Park. The region contains a myriad of rare and endangered plants, and has rock formations with ancient petroglyphs carved by the people who inhabited the region 10,000 years ago.

But in 1984, mining operator Joe Ostrenger illegally bulldozed eight miles of road in the Saline Valley before the BLM finally stopped him. He was prosecuted and convicted of a trespass as a result of that incident.

Incredibly, a few months later, without informing me or other interested persons, the BLM gave Mr. Ostrenger permission to bulldoze another road, two miles long, which now runs within three feet of a rock formation decorated by ancient petroglyphs. Mr. Ostrenger has hacked away at the rock formation, and despite protests the BLM has done nothing to reclaim the damage.

Mecca Hills

The Mecca Hills (WSA No. 343) is a colorful and rugged landscape that includes areas considered sacred by the Cahuilla tribe. In 1985, however, the BLM approved a plan by mining operator Charles Johnson to bulldoze away the entire face of a ridge, which will result in the ridge being 120 feet lower than it was.

Under section 603(c) of FLPMA and the BLM's Interim Management Policy and Guidelines for Lands Under Wilderness Review, the BLM is not supposed to allow activities that would "impair" the wilderness suitability of areas under study for possible wilderness designation. The BLM evaded that standard in the Mecca Hills case by making a finding that removal of the ridge -- up to 1.5 billion pounds of desert soil from an approximately 20 acre area -- will be "substantially unnoticeable."

Panamint Dunes

In 1984, the BLM authorized the use of ORVs in the seventh-ranked WSA in the CDCA, the Panamint Dunes (WSA no. 127). The BLM approved such use even though its own staff concluded that there would be irreparable harm to 66 prehistoric cultural sites and that the proposal would violate section 603(c) of FLPMA.

The Wilderness Society appealed to the IBLA, which reversed the BLM's decision. The IBLA's decision was a rebuke of the agency for what was obviously a political move by Mr. Hillier in disregard of the environmental and legal consequences. (The Wilderness Society, 90 IBLA 221 (January 30, 1986)).

Indian Pass

The Indian Pass area (WSA no. 355) is a bighorn sheep habitat near the Colorado River. In 1985, however, the BLM discovered seven deteriorating house trailers and piles of garbage left there by the "Trantula [sic] Mining Club" of San Diego.

Further investigation by the BLM revealed that the group is using the trailers for a weekend fishing camp. They keep a tractor on hand which they use to plow up the ground so that they can say they are engaged in "mining."

The group even had the audacity to show the BLM an assay revealing that no valuable minerals are present at the site. Despite the fact that the group is plainly violating the Mining Law of 1872, and contrary to written BLM policy, the BLM has allowed the trailers and garbage to remain, even though I have personally, by phone and in writing, brought this matter to the attention of Mr. Hastey and Mr. Hillier.

Cady Mountains

The Cady Mountains (WSA no. 251) is a bighorn sheep habitat that also supports golden eagles and prairie falcons. But last year Patrick & Henderson, Inc. approached the BLM about studying the area for use as a possible hazardous waste dump.

In violation of written BLM policy, the BLM -- after just a few days' review -- approved the firm's proposal to criss-cross 18 square miles in an ORV to conduct seismic testing. The vehicle left 10 to 20 miles of tracks. The BLM did not even notify me and other concerned persons until weeks after the activity had taken place.

CONCLUSION

Those and other instances of BLM mismanagement are threatening to spoil WSAs in the California desert. The California Desert Protection Act would address this mismanagement by transferring authority over some of the significant areas to the National Park Service, and by putting in place the protections available under the Wilderness Act. It would help assure that at least some portions of the WSAs in the California desert are not ruined.

Mr. Chairman and Honorable Members of the Subcommittee, thank you very much.

W. Douglas Kari

Senator Bingaman. Thank you very much. James Dodson, who is Vice President of the Sierra Club, Southern California Region.

STATEMENT OF JAMES L. DODSON, SIERRA CLUB REGIONAL VICE PRESIDENT FOR SOUTHERN CALIFORNIA AND NEVADA

Mr. Dodson. Mr. Chairman, Mr. Cranston, I am Jim Dodson. I live in Lancaster in the western Mojave Desert. I work at the Flight Test Center at Edwards Air Force Base. I am also the Sierra Club's regional Vice President for southern California.

The Sierra Club has a long history of commitment and leadership in land protection issues. And the protection of public lands throughout the western United States is going to be one of the next major issues that confronts us.

The Club has been actively involved, as you have heard, in the drafting of the California Desert Protection Act, and has made the enactment of desert wilderness and desert parks one of its major national campaign priorities for this Congress.

We have a long history in the California desert. Twenty years ago, when the problems of vehicle abuse first began, we served on the BLM's Off-Road Vehicle Advisory Committee. In 1973 we worked on the Interim Critical Management Plan that first zoned the desert for vehicular use.

When BLM denied the 1975 Barstow to Las Vegas motorcycle race as being unmanageable and unmitigatable, we felt that real progress was at hand.

The Club helped Senator Cranston add Section 601 to the Federal Land Policy Management Act in 1976, establishing the California Desert Conservation Area. We spent thousands of volunteer hours in working with BLM in the development of a plan for that area. This also was a time of great hope for us.

The BLM tells you that they received 40,000 comments on that plan. What they neglect to say is that 30,000 of them were seeking more protection than the BLM draft plan offered.

They boasted the years of study and millions of dollars that went into desert research, but do not reveal that most of that research was ignored in the final agency decisions.

When that planning process delivered a biased and badly compromised plan to us, we elected not to pursue a NEPA challenge to it, however, but to use the amendment process to seek its improvement.

Congressional designation of wilderness was coming and we knew that would give also another opportunity for us to seek protection. Our amendments were rejected out of hand. Other amendments were adopted that savaged much of the marginal gain that was offered in the plan.

We finally had to conclude the plan had failed, and that we needed to return to Congress. The increasing rate of human use and abuse in the desert indicated to us that to wait till the 1990s would result in too much damage in the interim.

So we have worked with Senator Cranston in putting together what we feel is a strong protection statement. We look forward to working with the committee in trying to mature this document so that it can resolve perhaps once and for all these critical issues facing the California desert.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Dodson follows:]

Statement of

James L. Dodson

Sierra Club Regional Vice President
for Southern California and Nevada

before

The Senate Energy and Natural Resources Committee

Subcommittee on Public Lands, National Parks and Forests

on

Senate Bill 7

The California Desert Protection Act

23 July 1987

Mr. Chairman, members of the Committee.

I am Jim Dodson. I live in Lancaster, California, in the western Mojave Desert. I am currently serving as the Sierra Club's Regional Vice President for Southern California and Nevada.

I would like to address both the Sierra Club's interest in this legislation and our long involvement in the struggle to protect the California Desert.

SIERRA CLUB INTEREST IN S.7

The Sierra Club currently has about 400,000 members across the country. In many ways, however, our roots (and about one third of our members) are still in California. The Club has a long history of commitment and leadership on land protection issues, beginning with Yosemite almost a century ago; continuing through our modern "coming of age" in the Grand Canyon battle in the 1950's; and, most recently, the Alaska Lands Act and the continuing struggle over the Alaska NWR.

The protection of Public Lands throughout the western United States is the next major land issue that confronts the conservationist movement. Here, in the California Desert Protection Act, we have a proposal that brings all these concerns into a single package. The Club has been actively involved in the drafting of this bill, and has made the enactment of desert wilderness and parks one of its six major national campaign priorities for this Congress.

DESERT PROTECTION HISTORY

Our involvement in the California Desert may be said to go back many decades to John Muir's seeking the healthful benefits of the clear air of the Morongo Valley in the southern Mojave Desert.

In more modern times, we became active twenty years ago when the problems of vehicle abuse first began to become evident. Our members served on the Off-Road Vehicle Advisory Committee that was formed by BLM in the late 1960's. This involvement led to our participation in 1973 in the development of an Interim Critical Management Plan that made the first effort to zone the desert for different intensities of vehicle use. When BLM denied a permit for the 1975 Barstow to Las Vegas motorcycle race, the "Race to End All Deserts," citing the devastation documented in 1974 as being unmanageable and unmitigatable, we felt that real progress was at hand.

The Sierra Club played a major role in the addition of Section 601 to the Federal Land Policy Management Act in 1976, establishing the California Desert Conservation Area and mandating the development of a master plan for its management. Thousands of volunteer hours were spent in our working with BLM in the development of that plan, including literally hundreds of "Desert Study Trips" by our Desert Committee to look at special areas and issues. This also was a time of great hope for the long term protection of the beauty and natural values we loved.

The BLM tells you that they received 40,000 comments on this plan, many of them from our members. What they neglect to say is that 30,000 of those letters were seeking more protection than the BLM draft plan offered. They also boast of the years of of study and millions of dollars that went into desert research, but don't reveal that most of that data was ignored in the final agency decisions. When that planning process delivered a development-biased and badly compromised Desert Plan, we elected to not pursue a NEPA challenge, but instead to try to use the amendment process to seek its improvement. We also realized that the eventual Congressional designation of wilderness implicit in FLPMA would give another opportunity to seek the increased protection needed for the desert.

When we found that protection oriented amendments were rejected out of hand, and when we saw an initial amendment cycle in 1982 that savaged much of the marginal gain the Plan had offered, including the reversal of sizable wilderness recommendations and the revival of the Barstow - Vegas race, we were forced to the conclusion that the Desert Plan was not going to work. We also realized that the increasing pace of human use and abuse of the California Desert meant that waiting until the 1990's for the next round of Congressional action would see the loss of incredible resources in the interim.

The last five years have done nothing to change that conclusion. Like the ORVAC, the ICMP, and the other BLM management efforts of the past two decades, it simply didn't have the resources and the management prescriptions needed to protect the California Desert for future generations. So once again hundreds of Sierra Club volunteers are spending thousands of hours for the protection of the California Desert. Building on our efforts of the past two decades we have helped build a bold, comprehensive plan to provide Congressional protection for the remaining natural areas of California's magnificant desert quarter.

We appreciate the opportunity to address you today, and we look forward to your support of a strong California Desert Protection Act.

Senator BINGAMAN. Thank you very much, Mr. Dodson. I notice we have Congressman Levine here, and we are very glad to have you here for the hearing.

Our next witness is Genny Smith from Palo Alto. We are glad to have you here.

STATEMENT OF GENNY SMITH, PUBLISHER, AND FORMER MEMBER OF THE BLM ADVISORY COMMITTEE, PALO ALTO, CA

Ms. SMITH. Mr. Chairman, I support the Desert Protection Act. I own and manage a publishing business. I was appointed to the first California Desert Advisory Committee, which advised on the BLM's desert plan from its beginning until its completion in 1980. I served on the committee for four years, as Chairman in 1979.

In my opinion, the Desert Plan was a reasonable compromise between many public uses and protecting the desert's unique values. If the plan was reasonable, then why do I now support S. 7, which would transfer some desert lands into the national and California state park systems?

My main reason, and I truly regret to say this, BLM seems to lack the will to properly manage the desert's outstanding areas. I invested an enormous amount of time in the Desert Plan, and I had real hopes that all aspects of the plan in time would be implemented.

It saddens me to say that too much of what the plan promised has not yet occurred seven years later. Let me give you just one example, and my written testimony has others, of an area I know intimately, so you will understand why I say this.

North of the town of Mojave a desert tortoise reserve was established to protect a prime area of desert tortoise. Several years after that reserve was established, BLM took little initiative and little responsibility to protect the tortoise.

The problem was the motorcycles and jeeps had been running across the land at will and plinkers had been shooting the tortoise. Only because a dedicated volunteer group pushed and pushed for fencing and other protective measures, today fewer motorcycles invade the reserve, and fewer tortoises are shot.

What other conclusion can one draw? BLM seems to lack the will and the initiative to manage its outstanding areas. Only after citizens push and fight and file lawsuits does the BLM finally, and sometimes half-heartedly, do the job it is supposed to do under the Desert Plan.

This is the main reason I support enlarging Death Valley, transferring BLM land to Red Rock Canyon, and establishing the East Mojave Park. Thank you.

[The prepared statement of Ms. Smith follows:]

Genny Smith Books 1304 Pitman Avenue Palo Alto, CA 94301 415-321-7247

SUPPORT FOR S7

Genny Smith, BLM Advisory Committee, 1976-80; Chairman 1979

Mr. Chairman, Distinguished Senators:

My name is Genny Smith. I support the Desert Protection Act.

I live in Palo Alto, California. I own and manage a publishing business, Genny Smith Books. I publish desert guidebooks. I also have many years experience managing recreation programs. I was appointed to the first California Desert Advisory Committee, which advised on the BLM's Desert Plan from its beginning until its completion in 1980. I served on the Committee for four years, as did most of its 15 members, and I served as its chairman in 1979. We were a non-partisan group, appointed by Secretary Kleppe in 1976 under a Republican administration and reappointed by Secretary Andrus under a Democratic administration.

The Desert Plan provided a reasonable balance between providing for many public uses and and protecting the desert's unique values according to the prescriptions Congress wrote into the Organic Act of 1976(FLPMA). Indeed, by this act, for the very first time, the BLM was mandated to manage our public lands in a manner that protected scenic, recreational, wildlife, scientific, and ecological values.

If the Desert Plan was a reasonable compromise, then why do I support S.7, the Desert Protection Act, which would put some desert lands into the National and California State Park Systems? For two reasons: 1) amendments during the past seven years have weakened, not strengthened, the Desert Plan; and 2) I regret to say, BLM seems to lack the will to properly manage the desert's outstanding areas--areas that have unusual scenic beauty, outstanding wildlife habitat, or high recreation potential.

I regret that I must say the BLM seems to lack the will to manage the California desert properly. I invested an enormous amount of time in the Desert Plan and I had hopes that all aspects of the Plan would be implemented. It saddens me to say that too much of what the plan promised has not occurred. Eight million dollars of taxpayers money was spent, and well spent, on the Plan. But today I do not see an $8 million difference. Let me give you some examples of areas I know intimately, so that you will understand why I support National and State Parks management for some special desert lands.

The Desert Tortoise Reserve/Red Rock Canyon State Park

Let me contrast the Desert Tortoise Reserve, managed by BLM, with Red Rock Canyon State Park, both in the same general area of the desert, north of the town of Mojave. Both areas had the same problem when they were established: motorcycles and jeeps running over the land at will. Within a few years after Red Rock was established, the State Parks turned it into a high quality park--

Summer:
P.O. Box 1060 Mammoth Lakes, CA 93546 619-934-6185

with designated roads and camping areas, an interpretive center , an area for off-roaders and adequate enforcement. In contrast, at the Tortoise Reserve, the BLM took little initiative and little responsibility to protect the tortoises. Motorcycles continued to race through the reserve, and plinkers continued to shoot the tortoises. Only because a dedicated volunteer group pushed and pushed and pushed for fencing and other protective measures, today fewer motorcycles invade the reserve and fewer tortoises are shot.

Eureka Valley/Death Valley National Monument

Let me contrast Eureka Valley, managed by the BLM, with adjacent Death Valley Monument. Eureka Valley is one of the most beautiful desert valleys anywhere, with a dramatic sand dune standing 700 feet high in dramatic contrast to the dark, striped cliffs of the Last Chance Range. This magnificent valley, if managed according to BLM's original plan, would today be a major motorcycle and dunebuggy playground, filled with noise, dust and tire tracks. A prolonged fight by family campers and scientists finally convinced the BLM that Eureka was one valley that should be closed to cross-country racing. (It is now a National Natural Landmark.) But again, BLM showed little initiative and responsibility for managing the dune as its own plan specified. For several years dunebuggies and motorcycles contined to roar over and around the dune, while BLM did nothing. Again, only after an agressive local group badgered them again and again and again did BLM finally beef up its patrols. In contrast, in Death Valley the Park Service needs no badgering to maintain the scenic and recreational values to be found there.

The East Mojave Scenic Area/Mono Basin Scenic Area

The East Mojave was designated a Scenic Area by the BLM in 1981. Today, six years later, it does not yet have a management plan. The major BLM actions in the area were to delete 47,000 acres and to attempt to delete many more. In contrast, in 1984 the Mono Basin Scenic Area was established at Mono Lake in eastern California, under management of the USFS. Today, three years later, staff is in place, the management plan is in its final draft, abuses of the land have been curbed, and Congress has authorized funds for a Visitor Center.

Summary

These examples (I could cite others) show, in my opinion, that BLM seems to lack the will and the initiative to manage outstanding desert areas. Only after citizens push and fight and file lawsuits does the BLM finally and half-heartedly do the job it is supposed to under the Desert Plan. The recreation staff, the wildlife staff, and the Ranger staff are pitifully small. There are not adequate patrols of sensitive areas, there is little attempt to educate. Why has BLM not fought for the funds necessary to better manage its magnificent scenery, to establish adequate wildlife and recreational programs, and to carry out the wishes of Congress as embodied in FLPMA?

These are the reasons that I support enlarging Death Valley and designating it a National Park, that I support transferring BLM land to Red Rock Canyon State Park, and that I support an East Mojave National Park.

Senator **Bingaman**. Thank you very much. Our next witness is Dr. Robert Stebbins, professor at the University of California at Berkeley.

STATEMENT OF DR. ROBERT C. STEBBINS, EMERITUS PROFESSOR OF ZOOLOGY, UNIVERSITY OF CALIFORNIA, BERKELEY, CA

Dr. **Stebbins**. I am Robert Stebbins, UC Berkeley Emeritus Professor of Zoology, a naturalist with over 40 years of teaching and research experience in the California desert.

I have worked for the Bureau of Land Management in California and the academic and environmental communities during the development of BLM's management plans for the California desert.

I have voiced special criticism of BLM's program for off-road vehicle, ORV, recreation in the desert because of the destructive effects of ORVs on the desert environment. The California desert is one of the most fragile but diverse arid land environments on earth.

Lying exposed and vulnerable are 11,000-year old creosote bushes, the oldest known living things, fossils that date from near life's beginnings, 40,000-year old wood rat mittens that tell of vegetation changes in the formation of the desert, and the greatest collection of prehistoric rock art and large ground figures anywhere in the world.

The desert contains an immense variety of wild animal and plant life. The growing popularity of ORV recreation is one of the greatest threats to the desert. The desert's antiquities, soils, and wildlife are severely impacted by vehicle wheels and recovery is extremely slow, if it can occur at all.

Breakage of desert pavements and crusts promotes dust and the spread of weeds have crowded out natural vegetation and wildlife. Millions of plants and animals have already been injured or killed outright by ORVs in the desert, and archaeological and paleontological resources destroyed.

In terms of ecological damage, permitting widespread ORV recreation in the desert is worse than allowing recreational chainsawing in the Nation's forests. Forests potentially can recover. The desert probably cannot.

The BLM management program for ORVs in the desert, in my view, is inadequate. On the other hand, by establishing large closely-associated wilderness areas and parks, S. 7 will ensure preservation of this fragile ecosystem.

The smaller, fewer, and more isolated wilderness areas BLM has recommended are far less likely to protect the desert's ecology. These wilderness areas, along with the increased presence of the National Park System, will raise public awareness of the values of the desert.

They will also help protect the desert against changes in policy with changes in political leadership. The BLM policy of catering to many interests on our public lands works poorly in desert environments, because of the fragility and slow recovery of desert ecosystem.

Therefore, we should seek the desert's highest use, the use that is most likely to be sustainable and of greatest importance to the American people. We should follow the mandate of the American people revealed by public opinion polls to preserve the ecology and wildlife of the desert.

In the face of our growing numbers, wild lands are becoming our Nation's greatest treasure. From this perspective, the California Desert Protection Act cannot be considered overzealous. I urge this committee to pass this bill.

[The prepared statement of Dr. Stebbins follows:]

The Importance of the California Desert Protection Act of 1987 to the Future of the California Desert

by

Robert C. Stebbins
July 23, 1987

I, Robert Stebbins, am Emeritus Professor of Zoology at the University of California Museum of Vertebrate Zoology (the museum). The Museum is a research and teaching institution with over 75 years of study devoted especially to the wild vertebrate animal life of California, including that of the California Desert. I have had 60 years of personal experience in the Desert; during the last 40 years (as a member of the museum), I have engaged in biological teaching and research in the Desert. I have taught classes and supervised graduate studies there and have written several books and many scientific papers on the Desert's animal life.

From 1973 to 1980, during the development of the Bureau of Land Management's Plan for the California Desert, I acted as a liaison or "communicator" between the scientific, educational, and environmentally oriented community (hereafter called the Scientific Community) and BLM. Of special concern to these educators were the BLM's plans for off-road (ORV) recreation. Since publication of The California Desert Conservation Area Plan (1980), I have reviewed all Plan amendments to date.

From the moment the BLM started planning for ORV use in the Desert, many people in the scientific community and the Museum in particular have expressed grave concern over the environmental damage wrought by this form of recreation. The scientific community has insisted that vehicles must be confined to Desert roads (of which there are over 30,000 miles - a distance greater than the circumference of the earth), and that ORV play must be restricted to clearly delimited open areas. For a variety of reasons, which I cannot go into here, the recommendations have not been implemented. BLM allows ORVs to (1) travel widely over the Desert on trails (which multiply and widen); (2) conduct special ORV events along trails without a permit (if the group has less than 50 persons); (3) park 300 feet on either side of roads and trails, and (4) use most desert washes (places of great biological diversity). Such prescriptions for ORV use have proven to be impossible to control adequately.

"Legitimate" (BLM approved) and illegitimate (unsanctioned by BLM) ORV activity has now seriously damaged the natural ecology of hundreds of thousands of acres of the western and southern Desert. Many of the more seriously impacted areas may never recover.

In addition to the ecological damage wrought by ORV's, their indescriminate use supresses other traditional uses that are oriented, not toward mechanized play, but toward enjoyment of the Desert's solitude, scenery, and wildlife, and acquisition of knowlege of the Desert through teaching and research. ORV intrusions have been documented as the greatest disturbance encountered by the may researchers and teachers using the Desert.

ORVs cause damage to arid lands in many ways. They disrupt the widespread crusts and rock pavements that resist wind and water erosion, thus accelerating erosion. They contribute greatly to dust problems. Dust mutes the Desert's vistas, pollutes the air and causes property damage and health problems. ORVs spreads weeds, such as the Russian Thistle (Salsola), far into the Desert. This plant crowds out other vegetation and can completely change the ecology of heavily infested areas. Russian thistle has been found growing in single motorcycle tracks. F. R. Fosberg, an international authority on weeds, warned BLM (by letter, October 2, 1973) that, "Unless you (BLM) are in favor of changing the character of the vegetation, and hence the whole landscape of the desert areas under BLM jurisdiction, in my considered opinion as a botanist and ecologist, you must limit vehicular traffic to established roads and open the desert areas only to hiking and other less ecologically distructive forms of recreation.

Existing plant and animal life is rapidly destroyed in areas of heavy ORV use through direct impact of vehicle wheels and through soil compaction and loss. Many small desert animals - mice, reptiles, and invertebrates - are killed or maimed in their burrows where they often lie within a few inches of the surface during much of the day. Because of the mobility of ORVs, such destruction can occur very rapidly and over a wide area. A single motorcycle travelling 20 miles impacts about an acre of ground surface; a four-wheel-drive vehicle does so in about 6 miles of travel.

There are few arid lands in the world that can match the California Desert in physical and biological diversity, accessibility, and scientific and educational resources. Contrary to the views of the uninformed, the Desert is exceedingly rich in wildlife. There are some 1200 species of higher plants, over 100 of which are endemic to the area; about 350 species of vertebrates; and thousands of invertebrates, including fairy shrimps of the playas and flightless insects of the dunes.

Many plants and animals of the California Desert exist in isolated remnant populations. These populations often occur at remote springs, on humid mountain tops, or in the sand dunes or playas. Some of these species are rare or endangered.

These divergent and isolated living communities, with their unique life forms, resemble those occupying island archipelagos. Each "island" group (sand dunes, isolated mountain tops, etc.) is physically separated from the others and the biota of each is following its own course of evolution. In this sense, these complex systems are like the famous Galapagos Islands, which were so important to the development of Darwin's ideas on evolution. Indeed, the California Desert is second only to the Galapagos Islands in what it can teach us about evolution.

In addition, the California Desert has been the focal point of research in arid lands agriculture, crucial to humanity's crowded future. Goatnut, one of our native desert plants, has, within only a few decades, emerged as a potentially important crop plant for livestock fodder and as a replacement for sperm whale oil, which is used in machinery that runs at high speeds and temperatures. Such examination of arid land vegetation has only just begun. Studies of temperature regulation in desert lizards has contributed to recent reassessment by the medical profession of the wisdom of across-the-board suppression of fever in humans.

The Desert is a storehouse of untapped scientific information. Even new species of vertebrate animals are still being discovered. What appears to be a new toad species was found only about a month ago, at the Afton Canyon oasis near Barstow in an area overrun by ORVs. Thus, because of actions taken without adequate advanced study, we are in the process of burning bridges to new medicines, crop plants, recreational enjoyment, and a more informed future.

This is why the California Desert Protection Act of 1987 (CDPA) is so important. It will strengthen enforcement capability in dealing with indiscriminate ORV use and other misuses of the Desert. It will do so through its extensive system of wilderness areas and the increased presence of the National Park Service. The integrity of the wildland areas of the Desert depends in large part on their proximity to each other and their size. Small, widely separated wilderness areas are prone to species decline caused by genetic isolation.

Contrary to widespread rumors, the CDPA will not lockup the Desert. Grazing, hunting, and rock-hounding (on foot) can continue in the wilderness areas, and even mining can occur if there are valid existing rights. Accessibility is not changed. Only new roads can not be constructed, and off-road driving will not be permitted within the wilderness boundaries.

The extensive protection areas that will be created by the CDPA will not be just for the elite or the young and healthy. They will be for everyone. Campsites can cluster about their borders and along "cherry-stem" roads that penetrate some of the mountainous solitudes. The elderly, very young, and disabled can feel the presence of wildness, enjoy the pleasures of wildlife at their campsites, and, as their spirits move them and they are able, venture into the edges of primeval remnants of an earth that was once all wild.

It will be in the long-term interests of ORV recreationists to support broad protection of the scenic and wildlife values of the desert, for these values are important to all. With BLM-designated ORV open areas in the desert that together represent an area about the size of the state of Rhode Island, and many existing and designated routes of ORV travel in the desert, ORV interests are amply addressed.

I commend Senator Cranston for his leadership and urge the committee pass S. 7. Thank you for the opportunity to speak before you today.

Senator **Bingaman**. Thank you very much for that testimony. Our final witness on this panel is Howard Chapman.

STATEMENT OF HOWARD N. CHAPMAN, FORMER EMPLOYEE OF THE NATIONAL PARK SERVICE, SAN RAPHAEL, CA

Mr. **Chapman**. Thank you, Mr. Chairman, for this opportunity to testify and also to you, Senator Cranston.

My name is Howard H. Chapman. I am testifying as a private citizen, after a 40-year career as an National Park Service employee. My comments relate primarily to those elements of S. 7 that relate to proposed areas or expansion of areas within the National Park System.

I would like to make six points. First of all, the Congress has already confirmed the significance of the resources of the California desert and, if you will, the greatness of those resources. And at the same time has recognized them as being fragile and easily scarred.

The second point is that there is a 10-year record in existence with regard to BLM's management of this area, and particularly with the East Mojave National Scenic Area. That record shows that man-made changes have occurred in this area during this time.

Unauthorized roads have been bulldozed with detection delayed by an inadequate staff. Also, the reclamation of authorized areas, where there has been disturbance, has had low priority, if any, given at all.

The third point is in the words of former Director of the National Park Service Newton B. Drury as he related to areas within the system. But those words could also be applied to areas with greatness that could be included within this system.

And he said, "If we are to succeed in preserving the greatness of the national parks," and I add those great areas that could be included within the system, "they must be held inviolate. If we are going to whittle away at them, we should recognize that all such whittlings are cumulative and that the end result will be mediocrity. Greatness will be gone."

The fourth point is that the record shows that whittlings are taking place. And that some of the greatness perceived by Congress in its bill in 1976, the Federal Land Policy and Management Act, some changes are taking place.

The fifth point relates that park designation does not mean the lock-out of the public, nor does it mean the lock-up of resources. When you consider the fact that there are 338 units in the National Park System, with over 200 million visits a year, that is hardly the lock-out of the public from the utilization of those areas that have been considered to be highly significant to those generations and future generations.

And finally, the National Park Service has been charged by the Congress to be the agency to administer land of significant cultural and natural values for this and future generations.

Its mission to provide education, inspiration, and recreational use as well as scientific study is ideally suited to meet the goals and objectives of S. 7. Thank you for this opportunity.

[The prepared statement of Mr. Chapman follows:]

STATEMENT OF HOWARD N. CHAPMAN
ON THE
CALIFORNIA DESERT PROTECTION ACT - S.7

Thank you Mr. Chairman for this opportunity to testify on the California Desert Protection Act. I consider this a rare privilege and honor. I have been associated with the California Desert during the last 15 years of my 40 year career with the National Park Service. During that 15 year period I was Regional Director of the Western region. This meant I was responsible for and directed all activities relating to 44 park areas in California, Arizona, Nevada, Hawaii, Guam and Saipan. This included studies of proposed areas, as well as responsibility for all aspects of park management and protection, maintenance and preservation of historic and natural resources in parks like Yosemite, Grand Canyon, Death Valley and Joshua Tree to name only a few. In addition, I have served as a park superintendent as well as being a member of a team evaluating proposed park areas for inclusion in the National Park System. Therefore my Service career has provided me experience on which to base my recommendations to you today.

In January of this year I submitted to the Director of the National Park Services a report recommending a Mojave National Park and elevating to national park status Death Valley and Joshua Tree National Monuments. It was then and it is today my firm belief that these areas fully meet the criteria for inclusion in the National Park System.

In fact, it is somewhat redundant for me to speak to the area's significance because the Congress has already said in the Federal Land Policy and Management Act of 1976 that "there are special values in the California Desert, that it comprises a total ecosystem but one that is fragile, easily scarred and slow to heal." Further your body has also recognized that there are rare and endangered species of plants, animals and fishes there along with numerous archeological and historic sites that are seriously threatened by mans' activities. In that sense, you have already in the deliberations that have gone on before, answered one of the principal questions regarding an area's inclusion in the National Park System, and that is its significance.

Therefore, the real question before us is how to go about insuring that this and future generations will have this area to enjoy as you described so well 10 years ago. To answer this question I believe we need to take note of the words of former National Park Services Director Newton B. Drury when he said "if we are going to succeed in preserving the greatness of the National Parks, they must be held inviolate. If we are going to whittle away at them, we should recognize that all such whittlings are cumulative and that the end result will be mediocrity. Greatness will be gone." What he said has application as much or more so to areas proposed for the system as for those areas already included.

The record of management of the California Desert by the Bureau of Land Management (BLM) has now covered a span of ten years. During this time they have sought to carry out the Congressional mandate to provide for the multiple use of the

Desert resources for future generations and to provide for present and future use and enjoyment - particularly outdoor recreation including, where appropriate, off road vehicles.

During my tenure as Regional Director I had occasion to work closely with BLM personnel. I found them to be dedicated professional land managers and committed to carrying out agency policy, not infrequently, however, in discussing area management with them there was a very evident divergence in our mission and philosophies. This was not about the validity of mission or philosophy, but rather the application of one philosophy or the other to a given tract of land. Recreation and protection of outdoor resources are recognized by both agencies, but always when resource utilization was factored in there was then the insertion of an element BLM had to consider which resulted in compromising the condition of the resources, i.e. recreation use is compromised by mining, or grazing compromises the preservation of the site whether historic or natural. Their involvement in oil and gas leasing in parks where this was permitted was frequently a case in point. I know from personal experience in my own agency that this administration gives priority to development and privatization as opposed to preservation. Certainly BLM's pursuit of mining operations on the boundary of Saguaro National Monument in Arizona that affected monument resources a few years ago was prompted by this administration efforts to step up mineral leasing. Similar actions are evident in the proposed Mojave National Park and the proposed Death Valley National Park additions. These are the whittlings that Director Drury spoke of that are cumulative and will sooner or later reduce greatness.

It is not to criticize BLM's integrity, but recognizes the fact that in mandating a balance of consumptive practices in the California Desert, which is fragile and easily scared, the resources will not be the same, the scene won't be the same, and the significance will be lessened so that the enjoyment and value that lead to concern for the feature at first is lost. BLM's mandate includes grazing and mining and ORV uses - and therefore, the resource does change, it is destroyed and cannot be replaced, particularly when non-renewable resources are concerned. Such consumptive practices foreclose our ability to use the resource in its natural state. Such so called "multiple use" is a fallacy, these are one time single uses. The resources in these three park additions have been singled out by Congress as significant and are internationally recognized, continuing these consumptive practices destroys the opportunity for education, scientific study and inspirational value that these unique areas hold. These are multiple uses and therefore, it is incorrect to allege protection of these areas from destruction is a lock out of people. Rather, Park status provides the opportunity to bring about a wiser conservation of resources and multiple uses that sustains the quality of life we have grown to expect.

The parks since the time of Yellowstone's protection have proven that education, scientific study, as well as, inspirational uplift to the citizen come in measures that defy monetary value systems. The proponents of Yellowstone's protection were visionaries of value far beyond their time of experience or knowledge. We, on the other hand, have the experience and knowledge - we just need to apply it.

Thank you for this opportunity to testify. I will be pleased to answer any questions you may have.

Senator **Bingaman**. Thank you very much. Let me just ask a few questions here and then I will defer to Senator Cranston and Congressman Levine to ask any questions they have.

Dr. Stebbins, let me ask you first, you have spoken about the inadequacy of the BLM's off-road recreational, management of off-road recreational activities, what is the extent of that management today as you understand it?

Dr. **Stebbins**. Well, the thing that has disturbed the scientific and environmentally-oriented community from the beginning, starting in 1973 when the plan got underway, was some of the prescriptions that we felt were just bound to lead to serious deterioration of the desert.

Specifically, allowing vehicles on trails. We thought this was unforceable. They should be kept on roads. And we made certain recommendations as to what should be considered road.

Allowing vehicles to park 300 feet on either side of roads and trails. That, in the plan of 1980 that was reduced to 100 feet, but then restored to 300 feet through amendment.

This also, to us, seems like a devastating sort of program, because a group of people can go off-road, often the campers will arrange themselves in a circle, like the old covered wagon situation. And they are supposed to stay there, but if you have ORVs with you, dirt bikes and so on, it is hard not to ride around the desert. So our feeling was, there should be designated campsites, that sort of thing.

Those are two. Also, ORVs are allowed in many of the washes of the desert. Washes are among the most interesting ecological environments because you have edge effects, where you go from the flatland desert, then into the wash, and you get changes in plant and animal life, and they are among the most interesting parts of the desert. There are other things, but I will not extend it.

Senator **Bingaman**. Let me just ask also, to what extent you would interpret S. 7 as closing down significant numbers of roads presently existing in the desert? Is that one of the purposes?

Dr. **Stebbins**. Well, I do not really see this. I have looked at all the descriptions of the wilderness study areas that BLM put out, and many, many of them were recommended by BLM. They said that it had the characteristics. And of course for an area to be considered as a wilderness area, it must be roadless.

Now we get into problems with these little tracks and so on. But the areas that have been considered as wilderness study areas, and I think there are about 340 of them that BLM addressed itself to, and these areas were selected because of their roadless characteristics.

So I do not see how access, really the present access is going to be significantly impaired. And since we have so many roads out there, and in the wilderness areas, in 85 percent of the wilderness areas, we estimate that a person would be within about three miles of a road.

I visualize campsites around these wilderness areas, people benefiting from these big reservoirs of wildlife that can then trickle out into the surrounding lowlands. These are areas you do not necessarily have to hike deeply into.

If you are capable, fine. And a lot of us have done that. And you are not going to be that far from a road. But rather than working against the public good, I see this as just the opposite, that it is something that is going to be long-lasting and people will be able to enjoy the desert for many, many years into the future.

Senator BINGAMAN. Thank you. Let me ask Mr. Chapman, if I could, a couple of questions that relate to your background with the Park Service.

When the Park Service buys land, what is their procedure with regard to offers and the price that they would attempt to buy it for? Do they attempt to buy it at less than appraised value? Or is there a negotiation process? What occurs?

Mr. CHAPMAN. We are required by law to offer the property owner the appraised price. In other words, we are not permitted to negotiate for a price below the appraised amount, so that the appraised amount is going to be known by the property owner.

In fact the property owner is going to give permission to the appraiser to go on the land, and he is going to be fully aware of what that appraised price is prior to any time of negotiation.

Senator BINGAMAN. Now, when you take private land and put it into a National Park System, is there a condemnation capability with the Park Service? I mean, are private owners forced to sell if they choose not to?

Mr. CHAPMAN. Much of that depends upon the authorizing legislation for the area in itself. Primarily, our approach to that is a willing buyer-willing seller proposition.

Condemnation is resorted to only in the final analysis, if there is going to be a use that that land is going to be turned into that is detrimental to the park value. And that is in the extreme case.

Senator BINGAMAN. As you understand S. 7, would a willing buyer-willing seller be required for any park acquisition of private land?

Mr. CHAPMAN. It would be a willing buyer-willing seller proposition. Yes, sir.

Senator BINGAMAN. Maybe you could just give a general statement, based on your experience, designation of an area as a park, what has the impact of that historically been on the economy of local areas?

Has it been depressing of some local economies? Or, improve them? I guess there is some testimony about the Redwoods National Park, the economy in that area possibly having been damaged. What is your experience?

Mr. CHAPMAN. Frequently it is the accusation that it has a detrimental effect on the local economy. However, experience has shown that in the long-term range, that is not necessarily the case.

Certainly one can look at Grand Teton, when the Jackson Hole National Monument was established and took a considerable area out of grazing, that today the change in the grazing use that Jackson Hole had to the tourism that exists today, there would be almost no comparison to the effects on the local economy.

In terms of the Redwood, there probably was an exaggerated expectation of the amount of visitation that would arrive at Redwood. However, the depressed economy in the Redwood area today cannot be traced solely to the Redwood National Park, because there was a change in the overall economy as far as timbering was concerned, not only in relation to old growth timber, but also foreign markets and how they related to the timber industry.

Senator **Bingaman**. Let me also ask about National Park Service policy with regard to cooperative agreements with state fish and game agencies on wildlife management.

Is that a common practice that there is some kind of agreement between the Park Service and the state agency? Or is that the exception?

Mr. **Chapman**. No. I would say that is a common practice. In fact it has been stated here today that there is no management of wildlife on national park lands, and that is not correct.

In fact, there is considerable amount of management that relates both to habitat as well as wildlife, and much of that is done in cooperation, in cooperative agreements with state wildlife agencies.

Fire programs in areas such as Sequoia, King's Canyon National Park, in relation to managing those forests with the use of fire is just such one example.

Senator **Bingaman**. Senator Cranston?

Senator **Cranston**. Thank you. I just have a couple of questions for Mr. Dodson.

In what ways has BLM retreated from the original desert plan?

Mr. **Dodson**. Well, the classic case where they retreated, the first time where we really had a chance to see how they were going to extend their management was in 1982 with the first amendment cycle on the plan.

Dr. Stebbins has already referred to one of the things that happened at that point when they widened the area of permissible use around an existing road from 100 feet to 300 feet, in effect tripling the area of potential incidental damage and incidental use around routes.

We felt that 100 feet was more than enough to allow for roadside camping and that kind of casual parking for access to neighboring country, and we never understood the need to go to that wider range.

The principal one I think from a dramatic point of view in 1982 was when they reinstituted the Barstow to Las Vegas motorcycle race. There had been a surprise in the final plan that did come out that never received public review, but suddenly there were some motorcycle race courses, offroad vehicle race courses that got designated in the final plan after the drafts had been considered, and they added an additional race course that constituted the traditional route of the Barstow to Vegas course, which seemed to us to be a rather dismal symbol.

At that time, they deleted some 300,000 acres of wilderness recommendations that had been included in the initial plan. On Tuesday Mr. Hastie kept talking about the plan designating or recommending 1.8 million acres for wilderness designation. The plan itself in 1980 recommended 2.1 million acres for wilderness designation.

In 1982, based on no new information but simply an internal reevaluation based, I suspect, on new management guidelines, they deleted 300,000 acres for "mineral potential" based on the same mineral surveys that had been available in the original planning process.

They changed their approach to grazing management. They decided that it was no longer something that had to be worried about in evaluating the amount of forage available and looking at the caring capacity for cattle. They no longer had to worry about the slope of the land or the distance from water.

In the desert, where you have rather rugged terrain and where water sources are a critical part of the grazing operation, that struck us as being rather foolish.

I could go on. There was a host of amendments. There have continued to be some, but every single one of these seems to step back in terms of management prescriptions from those things that we thought we had gained in the planning process.

Senator CRANSTON. Was consideration given to suing under NEPA to block the desert plan; and if so, why was that not done?

Mr. DODSON. Well, we found ourselves between a rock and a hard place, if you would, Senator, an apt analogy for the desert. We were left with a plan that we felt had been disappointingly changed in the final drafting process, but we realized that if we were successful, and we thought we probably would be with a NEPA suit, the likely outcome would be for the Bureau and for the Department of Interior to draft a new plan.

In view of Mr. Watt and the obvious approaches that were going to be taken by the new administration in that kind of an approach, we decided we were better off trying to play the game with the hand we were dealt and that we would work within the amendment process.

Interestingly enough, there was litigation against the desert plan. The people who sued to block its implementation were essentially the same group of people who now constitute the California Desert Coalition and are so assiduously supporting the plan, which I think helps also reinforce the direction the plan has tended to take in the implementation process.

Senator CRANSTON. Thank you very much.

Thank you, Mr. Chairman.

Senator BINGAMAN. Congressman Levine, go right ahead.

Mr. Levine: Mr. Chairman, I have no questions. I thank you for the opportunity.

I simply want to compliment these witnesses for a job well done.

Dr. STEBBINS. Could I just make one comment?

Senator BINGAMAN. Yes, go right ahead.

Dr. STEBBINS. In reference to comments on the amount of wilderness that is being proposed in the California Desert Protection Act, I would like to note that the California Desert Protection Act recommends less wilderness, 37.1 percent of public lands, and fewer wilderness areas, 81, than the protection alternative for management of ORVs of the draft of California Desert Conservation Area Plan. That plan proposed 43.6 percent of public land and 108 areas.

So what I want to say is is that the protection alternative was considered by BLM to be a viable option in management and lost out in favor of the balanced alternative in the final plan, but many people have felt that the protection alternative came closer to the desires of the American public.

So actually we are not proposing a great change in course but a shift in emphasis, and we believe that the protection alternative is closer to what the American people want in view of the polls that have been taken.

I am disturbed by the use of the terms. When the plan was under study, we had balanced protection and status quo, so to speak. Well, that to me kind of prejudices the case. I wish it had been A, B and C. Most people do not want to be protectionists, and most people would go for a balanced approach.

So we objected to that in writing. I say "we", the Museum of Vertebrate Zoology and people on the staff there and other scientists, wanted to get rid of that bias, you might say; however, it ended up with the balanced alternative.

So I just want to make the point that what the Desert Protection Act is proposing is not a great deviation from the BLM planning process.

Senator **BINGAMAN**. Thank you very much. I appreciate all the testimony, and we will go ahead to panel four, if they would come forward please.

On panel four is Gene Smith, who is the Vice President of U.S. Borax and Chemical Corporation, accompanied by William Pennell, who is their senior geologist; R. Gene Dewey, who is President of Unocal Molycorp Incorporated; D. Ross Fitzpatrick, who is President of Viceroy Research Corporation an B & B Mining Company; Ralph Green, who is the U.S. Exploration Manager for Homestake Mining Company; Glenn Rouse, who is with the California Mining Association as their Executive Director; and James Strain, who is the Chairman of the Public Lands Advisory Committee.

Why not go ahead with Gene Smith, Vice President of U.S. Borax & Chemical Corporation, and just keep them in the order that I introduced the folks.

STATEMENT OF EUGENE D. SMITH, VICE PRESIDENT, GOVERNMENT AND PUBLIC AFFAIRS, U.S. BORAX & CHEMICAL CORP., ACCOMPANIED BY WILLIAM M. PENNELL, SENIOR GEOLOGIST, U.S. BORAX

Mr. **SMITH**. Mr. Chairman, I am Eugene Smith, and my associate is William Pennell. We are both with U.S. Borax, I as a Vice President and Bill as an exploration geologist, and we have both spent many years in the California Desert.

Borax is a widely used and very important industrial mineral, and U.S. Borax pioneered the borax industry in the United States. We started in Nevada in 1876, moved to Death Valley in 1882, and there developed our trademark, the 20 mule team.

We developed the Furnace Creek Ranch and the accommodations in Death Valley, and we initiated and promoted the establishment of Death Valley National Monument.

In 1927 we opened our mine up in California where I grew up, and that is in the California Desert.

We are proud of our history and our environmental record, and we are proud of our company. We object to the cavalier way S. 7 would impact properties we have owned for 85 years. We have a vested interest in this piece of legislation, and we would urge you to read our prepared statement, as we will only have time to highlight our opposition.

S. 7 would abrogate the commitments set forth in FLPMA, and it would ignore the work and recommendations of the CDCA Advisory Committee.

S. 7 is an unreasonable counterproposal to the BLM plan which has polarized the issue. Despite the known mineral potential of the CDCA, I must point out that this area produces 60 percent of the world supply of borate minerals, and it is the area of best potential for new U.S. sources of supply, and we have a limited number in the United States.

Despite these facts, S. 7 would place 10.4 million acres or 72 percent of the CDA available for reclassification into parks and/or wilderness without proper mineral evaluations.

Despite the fact that the original boundary for Death Valley National Monument was deviated to avoid our Ryan Area property, and I refer you to the map in our paper, S. 7 would surround our Ryan property and its 27 million tons of known borate reserves with park and/or wilderness. The authors of S. 7 must have known this would either hinder or prevent the development of these reserves.

In the Furnace Creek area, S. 7 would place wilderness adjacent to 4,000 acres of patented land containing 30 million tons of borate reserves, and here again the authors of S. 7 must have known that this would damage those reserves. These reserves were acquired many years prior to the establishment of Death Valley National Monument.

S. 7 would also place wilderness over a area of known borate potential, an area where we have an active mineral exploration program.

In closing, I would urge you not to ignore, as S. 7 proposes, the commitments of past administrations and the establishment of Death Valley National Monument, and we would urge you not to ignore the mandates and commitments of FLPMA. The CDA plan is reasonable, was developed through compromise, and it did not make anyone happy but it is workable. To disregard this plan and past commitments one year, as I understand from Ed Hastie's testimony, before it is to be presented to Congress would be destructive to the public advisory process, which is something I think you really do not want to do.

Thank you.

[The prepared statement of Mr. Smith and Mr. Pennell follows:]

STATEMENT OF

EUGENE D. SMITH

VICE PRESIDENT, GOVERNMENT & PUBLIC AFFAIRS

AND

WILLIAM M. PENNELL

SENIOR GEOLOGIST

REPRESENTING

UNITED STATES BORAX & CHEMICAL CORPORATION

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

U.S. SENATE

WASHINGTON, D.C.

JULY 23, 1987

Mr. Chairman:

I am Eugene D. Smith, Vice President for Government and Public Affairs for U.S. Borax. I have over 40 years service with U.S. Borax in mining, land management, environmental affairs, and government and public affairs. I grew up at Boron, California, in the Mojave Desert and worked at U.S. Borax's mining operations at Boron and in the Death Valley area.

I have experienced both the peaceful beauty of the desert and its harsh and unforgiving ways, and I know it has a purpose beyond merely being viewed from an untouchable distance.

My associate is William Pennell, Senior Geologist, with U.S. Borax. Bill has 20 years of experience as a geologist exploring for many different minerals in various parts of the world. While growing up, he spent a lot of time in the California Desert, and he is presently supervising our borate exploration program in a part of the California Desert Conservation Area (CDCA).

We are proud of our professions, our work and U. S. Borax. We know how important minerals are to the basic requirements of human existence: food, clothing and shelter.

U.S. Borax and its affiliates pioneered the borax industry in the world and the potash industry in the United States. We are the major world producer of borate minerals. Our mine and refinery is located at Boron, California, within the CDCA.

Borax is a widely used industrial mineral. It is used in the manufacture of fiberglass insulation essential in reducing this country's energy consumption. Another form of fiberglass, used in reinforced, plastics reduces the weight and fuel consumption of autos and trucks. Boron fibers are also employed in the production of advanced high-strength light-weight materials used in aerospace vehicles. In addition to these uses and a wide variety of other industrial applications, borax is an important plant food used to improve agricultural production in many parts of this country and elsewhere.

We generally oppose the California Desert Protection Act of 1987 (S.7) because:

- S.7 would abrogate the commitments of Congress as set forth in Sec. 601 of the Federal Land Policy and Management Act (FLPMA) to the implementation of "a comprehensive long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area --- [taking]

into account the principles of multiple use and sustained yield in providing for resource use and development, including, but not limited to, maintenance of environmental quality, rights-of-way, and mineral development."

- S. 7 would ignore the many hours of work, the compromises, and the recommendations of the California Desert Conservation Area Advisory Committee. The Committee was established by Section 601 (h) of FLPMA and the authors of S.7 were active participants in the Committee.

  It would be wasteful, wrong, and worrisome if the good efforts of all involved with the present CDCA Plan were disregarded for a bill authored by a minority who didn't get everything they wanted from the CDCA advisory process.

- S.7 disregards the efforts of the Bureau of Land Management (BLM) to develop a CDCA Plan that would protect valid property rights as well as meet the mandates of FLPMA. It also disregards the difficulties of the task and the impossibility of pleasing everyone.

  We commend the BLM for the job they have done and we urge you to judge the criticisms of the BLM by some of the proponents of S.7 in light of BLM's budget constraints, its requirement to protect valid property rights, and the mandates of FLPMA.

  We also suggest that the CDCA Plan developed by the BLM and the CDCA Advisory Committee is a reasonable plan which protects primitive areas and other land-use values. The public can live with the present plan: it controls without preclusions, it allows for changing conditions, it protects without denying access, it meets the will of Congress and the needs of the U. S. citizenry. It is imperfect but workable.

- The scope and land designations proposed by S.7 are so unreasonable they prevent any attempts of a compromise.

  S.7 proposes to place 10.4 million acres (42%) of the CDCA and 72% of the 14.5 million acres available within CDCA for reclassification* in National Parks and/or Wilderness. It is an unreasonable counter proposal to the BLM plan and it has polarized the issue.

* The 14.5 million acres does not include the military, state and private land within the CDCA.

- S.7 would place much of said 10.4 million acres of the CDCA in National Park and/or Wilderness protective land classification without a proper evaluation of its mineral or other land-use values.

  The CDCA is known to have good mineral potential for borates and other minerals. Experience has shown that even areas assessed for mineral value should not necessarily be judged to have no mineral value.

  The U.S. Geological Survey and Bureau of Mines utilize methods not applicable to many minerals, including the borates, and produce only cursory surveys of the ground.

  For example, the U. S. G. S. mineral assessment of the Palen-McCoy, Golden Valley, El Paso Mountain and other Wilderness Study Areas (WSAs) fail to address their borate potential. Yet the Mojave Desert is the world's largest producer of borates, and it has the best potential for undiscovered deposits. Claystones similar in age and composition to those which contain borate reserves at Boron and Death Valley are exposed in these WSAs, and we are currently exploring equivalent claystones both within and outside these and other WSAs.

  The position that governmental mineral assessments are inconclusive is supported by the fact that U. S. Borax discovered its Quartz Hill molybdenum deposit in Southeast Alaska within what subsequently became a Wilderness Study Area that had been evaluated by the U.S.G.S. and reported as having no significant mineral value.

We specifically oppose S.7 because it would abrogate past presidential and legislative actions, and it would damage the ability of U.S. Borax to mine known borate deposits and prevent the exploration of the areas of best borate potential.

- U.S. Borax and its predecessors have a long history in Death Valley that goes back to 1882, the Harmony Borax operations, and the twenty mule teams. We built the Furnace Creek Inn and Ranch and initiated and promoted the establishment of the Death Valley National Monument (D.V.N.M).

- D.V. National Monument was opened to Mineral entry by legislation enacted June 13, 1933, just four months after the proclamation that established D.V.N.M. The Monument's boundary was located by prior agreement to avoid impacting the Ryan Area borate reserves and other mineral development.

  S. 7 would surround the Ryan area with National Park and Wilderness land. Such an Act would totally disregard the understanding that achieved the required support for the establishment of the Monument and resulted in the legislation that opened it to mineral entry.

  U.S. Borax owns or holds 6,000 acres of patented and unpatented mining claims in the Ryan area containing an estimated 27 million tons of borate ore. This area is outside the Monument and the authors of S.7 must know their proposed land designations in this area would prevent or hinder the future development of these reserves.

- U. S. Borax also owns an estimated 30 million tons of borate ore on 4,000 acres of patented land within D.V.N.M. S.7 proposes the designation of wilderness adjacent to these properties and, here again, the authors of S.7 must know this could damage the value of these reserves.

- U.S. Borax holds about 13,000 acres of unpatented claims and leases in an area extending southeast of the Ryan area to and beyond the Lila C mine. Geologically, this area has excellent potential for borate reserves and we are actively exploring the area.

  S.7 would place much of this area in National Parks and Wilderness, thus, damaging the ability of anyone to explore this area and to develop ore deposits that may be found.

- U. S. Borax believes many areas of the CDCA have borate potential, and our exploration activities continue to reveal additional prospective areas.

  Except for very special areas, the uniqueness and scarcity of borate ore deposits in the United States and the world dictates that borate potential areas be evaluated before they are locked up in National Parks or Wilderness.

A map of some of the areas mentioned above is attached for your easy reference.

In closing, we urge you not to ignore, as S.7 proposes, the commitments of past administrations in the establishment of Death Valley National Monument and the past mandates of FLPMA. The California Desert Conservation Area is a reasonable plan developed through compromise and it deserves your careful consideration. To disregard this plan and past commitments would be destructive to the public advisory process and to Congress.

7/23/87
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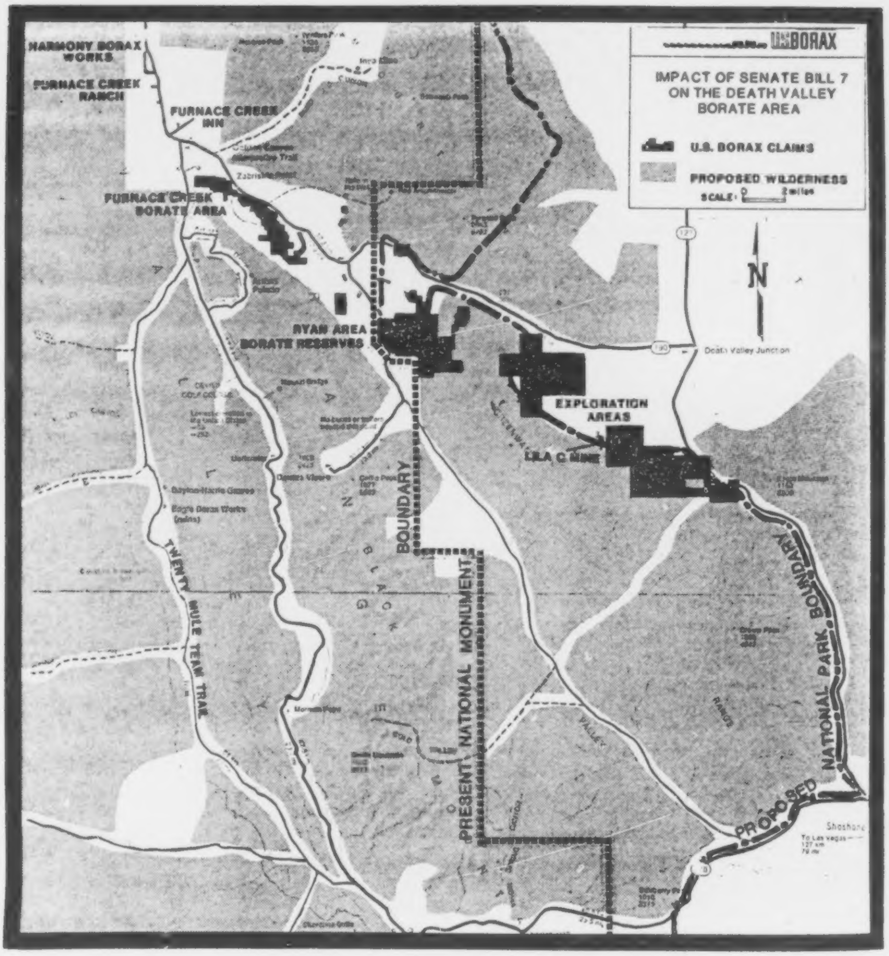
BORAX
IMPACT OF SENATE BILL 7
ON THE DEATH VALLEY
BORATE AREA
U.S. BORAX CLAIMS
PROPOSED WILDERNESS
SCALE: 0 2 miles
N
HARMONY BORAX WORKS
FURNACE CREEK RANCH
FURNACE CREEK INN
Zabriskie Point
FURNACE CREEK BORATE AREA
RYAN AREA BORATE RESERVES
EXPLORATION AREAS
LILA C MINE
Death Valley Junction
127
190
Dayton-Harris Graves
Eagle Borax Works (ruins)
TWENTY MULE TEAM TRAIL
BOUNDARY
PRESENT NATIONAL MONUMENT
PROPOSED NATIONAL PARK BOUNDARY
BLACK MOUNTAINS
Shoshone
To Las Vegas

Senator Bingaman. Thank you very much for your testimony.

Next is R. Gene Dewey, President of Unocal Molycorp Incorporated.

Mr. Dewey, go right ahead.

STATEMENT OF R. GENE DEWEY, PRESIDENT, UNOCAL MOLYCORP INC., LOS ANGELES, CA

Mr. Dewey. Mr. Chairman, I am Gene Dewey, President of Molycorp. Molycorp mines and processes lanthanides or rare earths at Mountain Pass, California. The operation is located on the northeastern boundary of the proposed Mojave National Park, about 50 miles southwest of Las Vegas, Nevada.

The lanthanides series of elements are the 14 elements with the atomic numbers 57 to 71, lanthanum to lutecium, plus the element yttrium, and are critical strategic materials. The lanthanides have widely diverse applications and uses, such as automobile exhaust catalyst; color TV phosphors; ultra high strength permanent magnets; solid state lasers; missile guidance systems; catalysts for petroleum refining; and the most recent application is in the area of high temperature superconductors where both lanthanum and yttrium are used.

The unique orebody at Mountain Pass provides the United States with a domestic supply of lanthanides for many defense and high technology uses as well as a significant export business to help the balance of payments. Molycorp is the only primary producer of lanthanides in the non-Communist world and has been in continuous operation since 1952.

As a corporate citizen of this area, Molycorp strongly supports the sustained yield multiple use management methods adopted by the Federal Land Policy Management Act of 1976.

The proponents of S. 7 claim the desert has been thoroughly explored for its mineral values. This is not true. Not only has the desert not been thoroughly explored, as evidenced by discovery made by Molycorp exploration two years ago and several mineral discoveries by others, but the minerals industry is constantly changed by the dynamics of both economics and technology.

Many mineral deposits are being mined today as a result of technological advances in exploration, equipment and processing techniques that could not be mined two decades ago. Technological changes in application also change the economics. Thirty years ago Mountain Pass had little or no value. Today many high tech industries depend upon its minerals. If superconductivity becomes commercial, Mountain Pass may need to expand.

The point is no one can predict which minerals will be valuable and useful in the future, and this is precisely why the multiple use concept is so important. It is certain that the withdrawal of these lands from mineral entry and multiple use will preclude any future mineral discovery or extraction from them. Molycorp holds extensive mining claims within the proposed park, and it is not aware of any mine in operation in a park or monument, even though several parks were created that contain specific guarantees to protect valid and existing rights similar to those in S. 7.

The proposed new boundaries would severely impact the operations and any future expansion. The Unocal Geothermal Division has interests in many prospective areas contained within the boundaries proposed by S. 7, and over half the known geothermal resources in California are in this area. Exploration has taken place in only approximately 10 percent of these lands.

We have an addendum covering Unocal's Geothermal Division comments on S. 7 that we would like to include in the record.

In view of the foregoing, we oppose S. 7 in its present form.

Thank you.

[The prepared statement of Mr. Dewey follows:]

STATEMENT OF R. GENE DEWEY

PRESIDENT

UNOCAL MOLYCORP INCORPORATED

BEFORE THE

SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS & FORESTS

OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

WASHINGTON, D.C.

JULY 23, 1987

Mr. Chairman and Members of the Subcommittee I am Gene Dewey, President of Molycorp, Inc. We wish to thank the Subcommittee for this opportunity to present Molycorp's views on the impact S.7 and similar House bills would have, and why Molycorp opposes this legislation.

Molycorp, Inc., a wholly-owned subsidiary of Unocal Corporation, mines and processes lanthanides or rare earths at Mountain Pass, California. The operation is located on the Northeastern boundary of the proposed Mojave National Park about 50 miles Southwest of Las Vegas, Nevada. The lanthanides series of elements are the fourteen elements with atomic numbers 57 to 71, lanthanum to lutecium, plus the element yttrium and are critical strategic materials. The lanthanides have widely diverse applications and uses. The following is a limited example:

1) Automobile exhaust catalysts
2) Color TV phosphors
3) Ultra high strength permanent magnets
4) Solid state lasers
5) Missile guidance systems
6) Catalysts for petroleum refining
7) The most recent application is in the area of high temperature superconductors where both lanthanum and yttrium are used.

The unique orebody at Mountain Pass provides the U.S. with a domestic supply of lanthanides for many defense and high technology uses as well as a significant export business to help the balance of payments.

Although the lanthanide business is extremely competitive world-wide, Molycorp is the only primary producer of lanthanides in the non-Communist world. Last year, Molycorp produced about half of the non-communist world's production. Secondary by product production results mostly from the mining of heavy mineral sands. The Peoples Republic of China has become an exporter of lanthanides, and is a competitive force in the market.

The Mountain Pass facility is located within the California Desert Conservation Area. It has been in continuous operation since 1952. As a corporate citizen of this area, Molycorp strongly supports the sustained yield, multiple use management method adopted by the Federal Land Policy and Management Act of 1976. FLPMA created the California Desert Conservation Area.

FLPMA's provision for multiple land use is necessary to insure continued mineral entry to the public lands. Mineral entry and future mineral discoveries and development are essential to the competitiveness of U.S. industry and vital to the country's defense.

The proponents of S.7 claim the desert has been thoroughly explored for its mineral values. This is not true. Not only has the desert not been thoroughly explored -- as evidenced by a discovery made by Molycorp exploration two years ago and several mineral discoveries by others; but the minerals industry is constantly changed by the dynamics of both economics and technology. Economics can cause a rapid change in the grade of ore that can be mined. In 1977 gold sold for about $150 per ounce. Today it sells for about $450 per ounce. A deposit in 1977 would have had to have been about three time as rich then to be mined as is needed now. The other dynamic force is technology. Many mineral deposits are being mined today as a result of technological advances in exploration, equipment and processing techniques that could not be mined two decades ago. Technological changes in application also change the economics. Thirty years ago Mt. Pass had little or no value. Today many high tech industries depend upon its minerals. If super conductivity becomes commercial, Mt. Pass may need to expand. The point is, no one can predict which minerals will be valuable or useful in the future. This is precisely why the multiple use concept is so important. It is certain that withdrawal of these lands from mineral entry and multiple use will preclude any future mineral discovery or extraction from them.

If enacted S.7 would create the Mojave National Park. As proposed the new park's boundary would be less than a half mile to the south of Molycorp's existing facilities, about 2-1/2 miles to the west, and about 2-1/2 miles to the north. Molycorp has mining claims located within the proposed park boundary.

Molycorp believes that this close proximity to a new national park would severely impact its operations, and any future expansion of this operation. The ability of the United States to be competitive in the lanthanide business and continue to supply most of our national requirements for high tech lanthanide minerals may be jeopardized by situating a national park in such close proximity to the unique ore body at Mountain pass. The proximity problem presents issues for the existing facility in the areas of air quality, the concept of degradation of scenic vistas and in noise originating outside the park.

Potential air quality issues concern dust generated by the facility. Although the facility meets or exceeds the existing air quality standards, it is unlikely that it could be operated without impacting the pristine Class One standards required by a park less than a half a mile away.

The facility would be visible from many areas within the proposed park. It is possible that, viewed from within the park, the facility could be considered to degrade the scenic vista; to be a scenic nuisance. This legal concept is still evolving with the ultimate requirements unknown.

Noise generated by infrequent blasting will undoubtedly penetrate to within the park boundaries. There is no viable technology to replace blasting in mining the orebody.

Molycorp has had considerable experience over the years in attempting to do exploration work in wilderness study areas and has found, as a practical matter, that such work is impossible.

For the past three years Molycorp has been attempting to explore for precious metals in the June Bug Camp Ground area situated in the Wheeler Peak wilderness study area in northern New Mexico and has not been able to obtain a permit from the Forest Service for this exploration work. The Forest Service disapproved our plan because they say that our proposed plan of operations is not consistent with the administration of the wilderness study area in a manner that maintains its presently existing wilderness character and potentials for inclusion in the National Wilderness Preservation System.

Although mining rights are grandfathered in newly created wilderness areas, the rules and regulations essentially work to preclude any mining activities.

There are numerous accounts of similar experiences by other mining companies.

Molycorp holds extensive mining claims within the proposed park. Although the proponents claim that "valid and existing rights" will be honored, they will be subject to regulation by the park service. Equipment access and transportation of materials are not addressed by S.7. Molycorp is not aware of any mine in operation in a park or monument even though several parks created that contained specific guarantees similar to that in S.7. Molycorp is aware of several mines in parks and monuments that have been forced to close, due, at least in part, to onerous regulation by the park service.

Molycorp appreciates the opportunity to present these facts to the Subcommittee. Please consider the impact S.7 would have on the mineral industry, the competitiveness of the U.S. economy and the nation's defense.

JMA:nl

ADDENDUM

TO

STATEMENT OF R. GENE DEWEY

PRESIDENT

UNOCAL MOLYCORP INCORPORATED

BEFORE THE

SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS & FORESTS

OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

WASHINGTON, D.C.

JULY 23, 1987

Unocal's Geothermal Division has interests in many prospective areas contained within the boundaries proposed by S.7. Over half of the Known Geothermal Resource Areas (KGRAs) in California are in this area.

To date, exploration has taken place on only approximately 10% of the lands covered by the California Desert Conservation Area (CDCA). Many geothermal areas feature such surface manifestations as hot springs, hydrothermal alteration, geysers, and fumaroles, but there are promising areas with no surface indications. For example, there are no surface indications at any of the geothermal areas presently developed in the Imperial Valley. In areas such as these, geothermal potential can be identified only by conducting geophysical and geochemical tests by drilling shallow temperature gradient holes and by subsequent deep well drilling.

Many utilities now have a surplus of electricity, and geothermal exploration has slowed as a result. When the costs of electrical energy start to rise, as most energy experts predict, geothermal energy must be available to cushion the shock. Geothermal energy has the potential to provide lower-cost energy. However, unless potential resource areas are available for exploration and development, the ratepayer won't have the geothermal option available to slow the increase of his utility bill.

Because geothermal steam and hot water cannot be transported more than a few miles at best, geothermal energy is converted into electricity which can be easily transmitted and used at population centers. Many of our most promising geothermal prospects are in remote regions far distant from major cities. The enactment of S.7 will remove millions of acres of public lands essential to future geothermal exploration and development.

Senator BINGAMAN. Thank you very much.

Next is Ross Fitzpatrick, President of Viceroy Resources Corporation and B & B Mining Company. We are glad to have you here.

STATEMENT OF D. ROSS FITZPATRICK, PRESIDENT, VICEROY RESOURCE CORP., AND B & B MINING CO., VANCOUVER, BC

Mr. FITZPATRICK. Thank you.

I am Ross Fitzpatrick, President of Viceroy Resource Corporation. Viceroy is developing a major gold mine straddling the Nevada/California border in the east Mojave Desert, and I wish to testify in support of multiple use.

We are demonstrating that it is possible to meet both the objective of environmental protection and economic development, providing benefits for government, industry and the public.

During the past two years, by risking $8 million in exploration we have discovered 1.5 million ounces of minable gold located within an area of only one square mile. Of this, 1 million ounces was buried and could not be detected at surface. We would not have been able to find this under S. 7 as it now stands. This translates into $175 million in operating costs which will primarily provide jobs for local residents; $90 million combined State and Federal taxes, leaving $135 million for reinvestment in further development of the property and return of capital.

Viceroy will be a major employer and provide approximately 150 highly paid jobs for residents of Searchlight, Goffs and Baker. In addition, indirect jobs and other economic benefits will be provided.

In order to produce these benefits, we must be allowed to continue to operate in a responsible manner. Protection of the environment is important to us. We recognize our obligations and have carried out extensive studies to meet them, including examining the following: air quality; water and land use; vegetation; wildlife and cattle; visual and recreational resources; cultural resources; and Native American value.

As a result, we have prepared our plan of operations to avoid adverse impacts or to mitigate those which are unavoidable. In fact, we believe when our operation is completed we will leave the site a better place for future generations, whether it be for historical, cultural, ecological or scenic value.

To site a few benefits, we will restore the special character of the Hart Cemetery; provide additional water sources for cattle and wildlife; increase the density and quality of vegetation; assist in the discovery and evaluation of the cultural resources; and provide historical information through the installation of kiosks and plaques. We will also improve the overall safety in the area by eliminating existing dangerous old shafts and audits.

Mining has been a way of life in the desert, and disturbances do exist. We see our project as an opportunity to improve the Hart mining district. Quite frankly, to improve the scenic value without a project like ours would cost the government millions of dollars.

We support the objectives of multiple use, and I believe it is a worthy accomplishment to improve the environment and provide significant economic benefits to the region. S. 7 as it now stands would deny us that opportunity; therefore, we urge you to support a program which is working and is beneficial to the residents and users of the desert.

Senator BINGAMAN. Thank you very much.

Our next witness is Ralph Green with Homestake Mining Company in San Francisco.

STATEMENT OF RALPH E. GREEN, U.S. EXPLORATION MANAGER, HOMESTAKE MINING CO., SAN FRANCISCO, CA

Mr. GREEN. Thank you, Senator. My name is Ralph Green. I am the U.S. Exploration Manager for Homestake Mining Company. Homestake is an 111 year old diversified mining company with distinction as the leading gold producer in the United States. Our unique longevity as a mining company is attributed in part to our commitments to exploration for new U.S. mineral resources as established reserves have been depleted.

We certainly appreciate the opportunity to address this subcommittee to express our concern and opposition on S. 7, a proposed legislative action that we believe would not only have dramatic adverse impacts on existing mining operations but would, if implemented, prevent development of defined mineral resources and prohibit future exploration for the yet undiscovered mineral deposits of that region.

It has become redundant to state that the California Desert area, referred to as the Mojave Metallogenic Province in my profession, is one of the most mineralized regions in the United States. Significant new mineral deposits are being prepared for production, some in areas proposed in S. 7 for national park designation.

The accurate and complete assessment of the economic mineral potential of the vast California Desert region is a complex problem. The likelihood of achieving an entirely accurate conclusion is remote given the volatility of commodity prices, the dynamics of modern technology, and the unknown future critical material needs of this Nation.

A study released in 1980 before the most recent gold rush across the region in which Mr. Fitzpatrick was involved placed a known in-place value of 25 selected energy and mineral commodities in just a portion of the desert at greater than $600 billion. Including recently announced mineral discoveries, the estimated total mineral value of the California Desert far exceeds $1 trillion.

To lock up a potential resource of that magnitude without exhaustive evaluation of the resource and the future material needs of the country would be grossly irresponsible.

It is our opinion that the evaluation of such magnitude and complexity can only occur over time through continued cooperative efforts of government, corporate and private exploration in scientific communities.

Resource evaluation, whether motivated by mining interests or pure scientific endeavor, requires personnel and equipment access.

The proposed wilderness and national park designations clearly prohibit access not only to allegedly protected valid mining claims but also for the modern scientific studies such as the Federally funded CALCRUST programs.

We are not thrilled with every restriction imposed by the existing CDCA plan; however, it does provide prudent access and has proven to be an effective multiple use framework, both recognizing and protecting the critical needs of various interest groups. It is fact that an unprecedented number of those interest groups as well as the general public participated in the formulation of that plan.

As an individual and geologist for this Nation's oldest mining company, I have great respect for the historic contributions that the old timer mining figures made to this Nation and the California Desert region. Neither I nor my associates at Homestake nor my colleagues in exploration and mining communities relish the thought of severing our interaction with the California Desert and referring to prospecting and mining there only in the past tense.

We encourage the committee to thoughtfully weigh the potential impacts of S. 7 against the current or preferably more effectively enforced California Desert conservation area plan.

Senator BINGAMAN. Thank you very much.

Next we have Mr. Glenn Rouse, Executive Director, California Mining Association.

STATEMENT OF GLENN F. ROUSE, EXECUTIVE DIRECTOR, CALIFORNIA MINING ASSOCIATION, SACRAMENTO, CA

Mr. ROUSE. Thank you, Mr. Chairman. I am Glenn Rouse, Executive Director of the California Mining Association, representing the state's industrial mineral producers and their suppliers.

My comments are synopsized from the full statement of testimony presented to your subcommittee.

Mr. Chairman leads the Nation in production of nonfuel minerals. In 1986 California produced $2.3 million in raw commodities to feed industry, agriculture, housing, defense and technology. Half of that production came directly from the California Desert, translating into produced materials valued at at least $10.5 billion.

The key to California's status is its world class deposits and materials unique to the California Desert. The California Desert Protection Act threatens to cripple the California minerals industry.

The bill's proposal to "honor current valid mining claims" does not afford equipment access or transportation of materials. Mining is not compatible with parks or wilderness. That was addressed and resolved through the exhaustive public process which created the California Desert Conservation Area Plan in 1976.

Wilderness and parks institute air, noise and other thresholds, impacting upon operations located many miles from their borders. Wilderness and park designation prohibits future exploration or development of mineral resources. California's mining industry operates in the world's most stringent regulatory arena. It has achieved an enviable record of environmental protection.

California's mineralized wealth is essential as the United States wrestles with trade imbalance and the stark realities of international competitiveness. S. 7 ignores the importance of high technology material such as rare earth elements and boron.

Thirty-seven percent of the desert's 65 identified mineral commodities are strategic or essential for national defense. Three of them, cobalt, manganese and platinum, are considered critical and essential to the country's needs. Expert analysis is needed of the desert's critical and strategic minerals reserve.

The very infrastruture of Southern California is dependent on mining, as it is the livelihood of many desert residents. Industry provides a unique opportunity to entry level workers which is vital to California's changing demographics. Local communities acknowledge property tax bases supported by mining royalties that fund school districts and needs serviced by local business.

In conclusion, S. 7 is proposed at the expense of local residents, the Nation and California.

S. 7 is inconsistent with America's priorities as it faces the 21st Century.

S. 7 violates the compact with 40,000 people who toiled toward the California Desert Conservation Area Compromise.

S. 7 carries a philosophy and a map which seven years ago was found inappropriate in addressing the needs of the desert.

Desert management problems can be resolved by funding the California Desert Conservation Area Plan enforcement at an appropriate level. There is no need to open old wounds and resurrect unworkable plans from the past. There is no reason to embroil the desert in societal conflict.

We in the California Mining Association respectfully request the greatest amount of caution in any further consideration of S. 7.

Thank you.

[The prepared statement of Mr. Rouse follows:]

CALIFORNIA MINING ASSOCIATION

1010 Eleventh Street, Suite 213/Sacramento Ca. 95814/(916) 447-1977

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STATEMENT ON
THE CALIFORNIA DESERT PROTECTION ACT
S.7

Before the
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND WILDERNESS
of the
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATE SENATE

by
GLENN F. ROUSE
EXECUTIVE DIRECTOR
CALIFORNIA MINING ASSOCIATION

JULY 23, 1987

Statement of Glenn Rouse, California Mining Association

Mr. Chairman and Members of the Subcommittee.

I am Glenn Rouse, executive director of the California Mining Association. The California Mining Association is a trade association which comprises of the major industrial minerals producers in California and the suppliers of goods and services to that industry.

INDUSTRY BACKGROUND:

California leads the nation in the production of non-fuel minerals -- those commodities vital to the American way of life.

In 1986, California recorded $2.3 billion in production from its mines of raw commodities integral to industry, agriculture, housing, technology, defense and virtually every economic component of this country. Half of that production came directly from the California desert, which translated into a value of produced materials of $10.5 billion.

Production ranges from historic commodities such as gold to a wide range of materials such as clays, limestone, gypsum, cement constituents and boron which are basic to the country's infrastructure, to a variety of metals, rare earth materials, platinum and other substances necessary to our technological future.

Key to its national status are world-class deposits and location of materials unique to the California Desert.

POSITION ON S. 7:

The California Mining Association opposes S. 7, the California Desert Protection Act. This proposal threatens to cripple the viability of California's considerable minerals industry.

Statement of Glenn Rouse, California Mining Association

Casual dismissal of the impact on mining because it "honors current valid mining claims", does not acknowledge realities of mining operations, or future, as yet undetermined or unknown, minerals needs.

Mining is not compatible or consistent with parks or wilderness, a fact addressed and resolved through the exhaustive public process which brought about the California Desert Conservation Area plan.

Wilderness areas and national parks institute air, noise and visual thresholds which often impact mining operations located dozens of miles from their borders. While valid mining claims may be honored, development of a reserve is economically and physically impossible if access for equipment or transportation of mined materials is not allowed.

Wilderness and national park designation prohibits any future entry for exploration or development of mineral resources, an action with tremendous consequences for production of resources from what many learned geologists feel may be the nation's most diverse and richly mineralized area.

ENVIRONMENTAL CONSCIOUSNESS:

California's mining industry operates in the world's most stringent regulatory environment. It has achieved an enviable record of environmental protection, advanced reclamation techniques and provides the economic base for most desert communities and many regions throughout rural California.

The California mining industry has recognized the need to protect fragile environments in the desert. Desert mining companies have constructed watering facilities for Big Horn Sheep. Industrial mining companies have funded and facilitated lands exchanges for protection of endangered animal species and fragile flora. The minerals industry boasts a rich history of respect and care of the California Desert.

THE CALIFORNIA DESERT CONSERVATION AREA PLAN:

Mining company representatives participated with 40,000 other members of the public in a difficult four-year-long process, which ultimately cost the American taxpayers $8 million, to forge a compromise to protect specific desert areas while affording the resource production so necessary to this country's well being.

It was an adversarial effort fraught with confrontation. At one point, the California Mining Association joined other lands users in challenging the plan in court. Ultimately we acquiesced to the need for compromise and agreed with other affected desert lands users that thousands of acres with tremendous mineral potential would be withdrawn for wilderness study.

With the signing of the California Desert Conservation Area plan by two Secretaries of the Interior and its codification into law by Congress, desert users entered into a compact with the federal government committed to long-term management goals for the California desert established by the Federal Land Policy Management Act of 1976.

Now the same maps of the preservationist plan set aside by Congress seven years ago are proposed for implementation through S. 7 -- a fiscally imprudent, poorly designed piece of legislation which allows no consideration of current or future demands, and completely disregards the public commentary which resulted in the California Desert Conservation Area plan.

This Subcommittee, and this Congress, should be incensed at such a callous rending of this carefully crafted public compact.

MINING AND THE CALIFORNIA DESERT:

Mining comprises a small fraction of the land in the California desert. Estimates place the land disturbance associated with mining in the desert at only about one percent of the acreage of that vast region. Yet it that industry represents development of a vast and tremendously wealthy resource for this country. And most importantly, that resource can only be produced from where it is located -- minerals can not be moved or planted for development in other locations.

Approximately $1.1 billion of the $2.3 billion of California mineral production in 1986 came from within the California desert. Many of these resources, such as cement, clay and gypsum, are integral to the local California economy, especially in the greater Los Angeles and southern California area. Boron and rare-earth minerals operations in the desert are considered "world class" as they are the major supply source for the free world. Other important desert mineral commodities include gold, silver, sodium carbonate, stone, potash, lime, perlite, salt, pumice, calcium, chloride, feldspar and iron ore.

TRADE, COMPETITIVENESS ISSUES:

This legislative proposal is particularly imprudent at a time when the United States wrestles with an imbalance of trade and is faced with the stark realities of international competitiveness. California's mineralized wealth is a considerable asset in any role the country will play in trade within the Pacific Rim.

Setting aside the California Desert Conservation Area Plan -- a working land management plan that affords resource production while protecting fragile environmental areas -- is simply unresponsive to the needs of a United States moving toward the 21st century.

Economists agree that the loss of this country's industrial base threatens its international viability. Our historic economic vitality reflected the country's domestic ability to produce the commodities upon which it depends. Mining has shouldered a tremendous regulatory responsibility in maintaining that resource production and often is the sole source of vital materials.

The California Department of Conservation's Division of Mines and Geology Division staff concluded as a result of surveys conducted in the desert since 1981 that, "the desert contains a highly diverse array of mineral resources, many of which can be considered significant and as yet undeveloped. In addition, several geologic environments were identified that offer a high potential for the discovery of new mineral deposits. A major conclusion to be derived from the mineral survey activity is that the California desert is a major mineral resource repository of global importance which will continue to be a vital supply source of mineral resources into the long-term future."

Similarly, the Bureau of Land Management's Deputy State Director of Mineral Resources points out that changing technology in the exploration and use of minerals make it possible to "anticipate that many new discoveries are likely in the Desert area with the application of new exploration tools and more intensive surveys."

Scientists around the country are warning that if the United States does not make development of super conducting materials a priority, it will rank as another significant technological breakthrough lost to foreign commercialization.

While efforts are underway to survey the Desert, those programs are far from a complete assessment of the region's mineral wealth. Congress has directed that the Bureau of Land Management complete a comprehensive minerals assessment of the desert, yet that work has yet to be presented to the public.

LOOKING TO THE FUTURE:

The question of future, perhaps even at this point unknown, deposits is of the greatest concern to this nation.

The best indicator of the level of potential mineralization in the desert may be exploration activity.

Exploration is a capital-intensive, time and dollars consuming task undertaken with absolutely no guarantee of return. It is pursued with care and consideration only upon strong scientific evidence. More than half of California's active unpatented mining claims of record with the Bureau of Land Management -- about 80,000 -- are located within the California desert. Since 1980, more than 1200 mining related proposals have been submitted to that agency for required environmental review prior to opening.

Only five years ago, less than 5,000 ounces of gold was produced annually from the desert. By last year, production exceeded 200,000 ounces. New operations will boost that rate to more than 300,000 by the turn of the decade. Markets for gold have been expanding rapidly in the computer industry, for highly-technological electronics, in space vehicles and other industrial uses dependent on its flexible strength and conductivity.

A platinum deposit was discovered in Riverside County in 1986.

Within only the last few years, scientific abilities have been able to locate vast geothermal potential in the desert's geologic system.

Technological Demands:

As California's Division of Mines points out, S. 7 ignores the importance of "high technology" raw materials such as rare-earth elements and boron that occur within areas proposed for wilderness or additions to the national park system.

Scientific breakthroughs in electricity superconductivity and super conducting magnets illustrate a realistic anticipation for a heightened demand for substances that may yet be undiscovered. Had S. 7 been adopted when introduced in the last Congress, adequate supplies of lanthanum, barium and yttrium critical to super conductivity may never have been available.

The desert's exotic mix of minerals used in computers, x-rays, magnets, alloys and fluorescent lamps and create color in television.

Other important commodities are zeolites and specialty clays used in sewer filtration systems, chemical refining ceramics, drill muds and specialized chemical research.

> The Bureau of Land Management agrees with the need to maintain mineral access to meet future technological needs, predicting that, "California Desert's mineral deposits, discovered or still undiscovered, will contribute to ... changing technology."

National Security:

As we look toward a future based on sophisticated technology, this nation also views an increasing dependency on an unstable international environment. The dramatic lesson of dependency on foreign governments and international cartels for oil reserves may well be reaffirmed for commodities vital to defense and competitiveness.

> Of the 65 mineral commodities identified in the desert, 37 percent are considered strategic -- essential for national defense -- and three, cobalt, manganese and platinum, are considered critical -- essential to the needs of the United States.
>
> Minerals economists with the National Laboratory system are well versed in the critical and strategic mineral needs to be met from the California desert. The National Critical Materials Council has the responsibility for addressing all materials needs. Prior to further consideration of this bill, we urge Congress to request a sound analysis from these organizations of this country's ultimate need for these mineralized sources.

THE ECONOMIC PICTURE:

In addition to national consequences, impacts of this bill will shake the very infrastructure of the populous center of Southern California.

Statement of Glenn Rouse, California Mining Association

According to a recent estimate of the Southern California Association of Government, 2.8 million new housing units will be needed in that region in the next two decades, as will water and sewage facilities, roads, sidewalks, schools, stores and offices, all requiring large amounts of mineral materials from local sources, including the desert.

Simultaneously, such a dramatic population increase will pressure mining operations to move from urban proximities to the desert for production of those commodities.

Chain Of Dependency:

The livelihood of many desert workers and their families is at mine sites, processing plants or in transportation of minerals to the market.

Employment in the mineral industry and downstream processing and manufacturing plants outside the desert is dependent upon desert mineral resources for raw feed. James Anderson, chairman of the California Mining and Geology Board, reported to California Governor Deukmejian that processed materials produced from the desert's mineral raw materials in 1986 were valued at about $10.5 billion. Urban manufacturers, reliant upon minerals for their operations, could be rendered non-competitive without local low-cost supplies. Failure to assure future supplies could lead to plant closures, a loss of employment and community revenues.

Changing Demographics:

As the now unemployed and sociologically devastated populations of cities across this country can attest, industry provides a unique opportunity to entry-level workers to attain an income level which provides future generations of ethnic groups or disadvantaged workers access to middle class lifestyles.

> As California anticipates a dramatic ethnic demographic shift, the availability of industrial-scale compensation and creation of jobs for an entry-level work force is vital to long range growth and societal well-being. Substitution of low-paying service-sector employment has been unsuccessful in affording minority and disadvantaged workers a degree of economic advantage influential to several generations of a family.

The Local Community Perspective:

The question of economic effect on the desert region and the greater population base of Southern California is one which merits careful consideration.

> The people of Humboldt and Del Norte counties on California's North Coast can speak eloquently of lost lifestyles and dashed promises in face of the expansion of the Redwoods National Park. Expectations of tourism and increases in the service sector have failed to replace jobs lost from the timber industry.
>
> The village of Shoshone may be a microcosm of what faces other desert communities if S. 7 is adopted. Its population dropped by a half when a major mining operation was reduced in face of economic conditions imposed by proximity to the expanded Death Valley National Monument. Recent closure of that facility has translated into another 15 percent drop in business as truckers and other mine site suppliers no longer visit the town. Expansion of the Monument has not produced the tourist dollars so eloquently promised residents.

Dozens of local communities and civic groups have researched and recognize these impacts. They have acknowledged property tax bases supported by mining operations, royalties that fund school districts, traffic patterns of people that patronize local business and markets available to local services and expressed their viewpoints through resolutions opposing this bill.

CONCLUSION:

Despite academic and practical documentation of the mineral wealth of the desert, this Subcommittee has before it an expansive bill supported by misleading generalizations and incorrect assumptions clearly disputed by ongoing production figures.

S. 7:

-- is proposed at the expense of local residents, with no consideration for the nation's needs nor for the additional 18.3 million people who will be living in Southern California by the year 2010.

-- is inconsistent with the needs and priorities of America as it faces the 21st century.

-- cavalierly suggests violation of a compact with 40,000 people who toiled toward an ultimate compromise on desert land management.

-- carries a philosophy and a map which seven years ago was deemed inappropriate in addressing either the needs of protection or resource production of the desert. Any suggestion of further compromise on the basis of those maps is inappropriate in face of the history of the creation of the California Desert Conservation Area plan.

No doubt every desert user would be able to complain of problems associated with current management of that region. For example, we had every expectation that many of the Bureau's minerals surveys would be completed by this time.

' There is no evidence of any management problem in the desert that can not be resolved by providing the level of resources to the Bureau of Land Management for the enforcement anticipated when the California Desert Conservation Area plan was implemented.

There is no need to reopen old wounds and resurrect unworkable plans from the past.

There is no reason to embroil the desert in societal conflict.

You have before you resounding opposition from local governments and state agencies. We have urged minerals reviews, national laboratory and National Critical Materials Council analysis of the critical and strategic minerals needs of the country.

On behalf of California and the nation, we respectfully request the greatest amount of caution in any further consideration of S. 7.

Senator BINGAMAN. Thank you very much.

Our final witness in this panel is James Strain, who is the Chairman of the Public Lands Advisory Committee.

STATEMENT OF JAMES L. STRAIN, CALIFORNIA FEDERATION OF MINERALOGICAL SOCIETIES, INC.

Mr. STRAIN. Mr. Chairman, honorary committee members, my name is Jim Strain. I have been a California Desert resident for more than 50 years. I am here representing the California Federation of Mineralogical Societies, a nonprofit educational group dedicated to the pursuit and distribution of knowledge in the earth sciences. We work extensively with schools, universities, museums, et cetera. Our ideal concepts would be violated by S. 7 from the standpoint we would not be able to have access to those areas where we normally use to teach geology, to teach mineralogy and to teach youngsters the value of the desert.

We have taken that position primarily because of the fact that the Federal Land Management Policy Act recognizes those needs. S. 7 does not.

Actually, the fault of the Federal Land Management Policy Act, especially section 601, in not satisfying everyone really comes back to Congress. It has not been properly funded. The original bill or the original plan called for a budget of $20 million per year. They have been receiving approximately 30 percent of that.

The original plan called for 70 desert rangers on the ground out there, enforcing the laws and education of the public. They have been operating with approximately 19, and now finally it is up to 22.

This is borne out in the necessity for enforcement by something that happened this past fall. At one point due to the fact that several of the desert rangers transferred out to start ranger programs in other portions of the western United States, the ranger force dropped down to a total of about nine or 10 people. It was almost as if the underground telegraph worked. Hey, the rangers are gone, let us go out and do our thing. The violations increased dramatically, offroad vehicle violations and others.

Now that their ranger force has been built back up again, those violations have dropped off. It really emphasizes the necessity of having enforcement out there.

We feel that if the current land use plan were properly funded, it would be very successful, and we hope that you will strive to do just that.

Thank you.

[The prepared statement of Mr. Strain follows:]

Golden Bear Nugget *Placer County, Calif.*

THE CALIFORNIA FEDERATION OF MINERALOGICAL SOCIETIES, INC.

The California Federation of Mineralogical Societies is a non-profit educational organization dedicated to the pursuit and distribution of knowledge related to the earth sciences. We are one of six nationwide federations with a total membership of over 56,000 members.

We assist museums, schools, universities, youth groups, and the general public by supplying specimens and information related to geology, mineralogy, gemology, paleontology, and archaeology. We offer lapidary classes and other classes related to the earth sciences. We sponsor gem and mineral shows for the education of the public. We award scholarships to earth science students to attend various colleges and universities. We work with various state and federal agencies to identify unique geological, paleontological, archaeological, and historical sites on public lands to assure proper management. We are active in various volunteer efforts to help in management of public lands as required by the Federal Land Management and Policy Act of 1976.

WE ARE OPPOSED TO SENATE BILL 7 DUE TO THE NEGATIVE IMPACT IT WOULD HAVE ON THE MEMBERS AND FRIENDS OF OUR ORGANIZATION.

WE SUPPORT THE MULTIPLE USE CONCEPT AS DESIGNATED IN FLPMA.

Senate Bill 7 is a totally unnecessary piece of legislation. The California Desert Conservation Area Management Plan, created by Section 601 of FLPMA, is an intelligently written piece of legislation that provides protection for all sensitive areas and common sense management for all activities. All the needs of all the people are considered under the multiple use concept.

Most of our members are over 60 years of age. We use vehicles as a method of transportation to travel to an area. The proposed National Parks and excessive Wilderness areas would eliminate our ability to enjoy the beauty and tranquility of the desert by denying access to those areas. More than 70% of the areas we normally visit in the California Desert would be restricted totally or partially by S-7.

The people who make statements that the California Desert District Area Conservation Plan is a total failure are intentionally ignoring the truth. Considering the budget and personnel restrictions, the Bureau of Land Management has done an outstanding job. The plan calls for an annual budget of $20,000,000 and a Desert Ranger staff of 70 people. The total budget received has been less than 30% of the amount needed and the total Ranger staff has been only 19. (Just recently, the staff has been increased by 3.)

Passage of S-7 would only affect the law abiding citizen who obeys the law because it is the law. The vandal, arsonist, thief, or irresponsible person would still be out there destroying public and private property. The individuals and groups who care enough about the desert to donate their time, materials, labor, and money would be the ones penalized by this Act. Boy Scouts, Gem & Mineral Organizations, Youth Groups, Off-Road Vehicle Organizations, various Service Clubs----the very heart and soul of this great country of ours would be the losers.

Please recognize S-7 for what it is. A poorly planned, ill-timed piece of legislation that recognizes only one view point while totally ignoring all others. It is a threat to our national security as well as a direct insult to all intelligent people.

The only answer to the existing and future management problems in the California Desert is to properly fund the California Desert Conservation Management Plan; and encourage all concerned people to become involved as volunteers in helping with management and effective education to all desert users.

Golden Bear Nugget Placer County, Calif

THE CALIFORNIA FEDERATION OF MINERALOGICAL SOCIETIES, INC.

July 17, 1987

Chairman Dale Bumpers,
Public Lands, National Parks & Forests Committee
Energy & Natural Resources Committee
SD - 308 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Bumpers,

The California Federation of Mineralogical Societies, with close to 13,000 members, has gone on record on a number of occasions, totally supporting the Bureau of Land Management and the CALIFORNIA DESERT CONSERVATION AREA plans.

The S-7 Cranston Wilderness Bill would prematurely close off lands in access of 9.4 million acres. This would effectively stop the weekend collecting and recreational mining our members enjoy. We have worked very closely with the BLM to see all interests have been addressed. This bill would abolish all this work.

We believe the bill is premature, ill conceived and contains many proposed actions which have been previously reviewed by the California Desert Conservation Area Committee and rejected.

Senator Cranston originally voted for the formation of the FEDERAL LAND POLICY AND MANAGEMENT ACT back in 1976. The target date set by Congress for reports on this was 1991. Senator Cranston is now asking your committee to forgo all the years of work put into the BLM reports by citizens from all interest groups, who have learned to work together and compromise for the good of all.

I urge you and your committee to reject SB-7 in total.

Sincerely,

Shirley Leeson

Shirley Leeson, President
California Federation of Mineralogical
Societies

6155 Haas
La Mesa, CA 92042

DEDICATED TO THE ADVANCEMENT AND ENJOYMENT OF THE EARTH SCIENCES

The San Diego Mineral & Gem Society, Inc.

Founded 1934
Spanish Village Balboa Park San Diego, CA 92101

July 17, 1987

Senator Dale Bumpers, Ch. Sub-Committee
Senate Committee on Energy and Natural Resources
SD-308-Dirkson Senate Office Bldg.
Washington, D.C. 20510

Re: S7-Cranston - "California Desert Protection Act"

Dear Sir:

The San Diego Mineral & Gem Society, Inc. of San Diego with an annual membership of 700 is an educational hobby organization whose primary interest is in earth sciences and lapidary arts.

We are opposed to Senate Bill S-7-Cranston and urge rejection in its entirety by the Committee on Energy and Natural Resources.

Many years of meetings, studies and workshops were conducted by the Bureau of Land Management with all interest groups to formulate the California Desert Multiple Use Management Plan. It is a reasonable compromise. Our Society is in support of the BLM planning process to complete the total study project as delegated by the Federal Land Policy and Management Act of 1976.

The action of Senator Cranston in proposing S7 is premature and unwarranted. A letter from our Society dated April 29, 1987 and sent to each member of the Energy and Natural Resources Committee explained the reasons we oppose placin g the 9.4 million acres into park and/or wilderness.

Again, we urge rejection by the Committee.

Sincerely,

Carmelita Swarts

Carmelita Swarts
Public Lands Liason

July 17, 1987

Mr. Dale Bumpers, Chairman Sub-Committee
Senate Committee on Energy and Natural Resources
SD-308 - Dirksen Senate Office Bldg.
Washington, D.C. 20510

Re: S-7 - Cranston - "California Desert Protection Act"

Dear Sir:

I have b een a 'rockhound' for over 40 years.

I have actively participated in the Bureau of Land Management (BLM) work to complete the California public land Study in order to make a recommendation to Congress in response to a congressional mandate of several years ago.

I am very satisfied with the California Wilderness and Multiple Use Management Plan which BLM intends to present to Congress. It is a realistic and equitable plan providing reasonable access and recreational opportunities for citizens of widely diverse interests and allows for exploration and development of economically viable mineral resources.

I am strongly opposed to Senator Cranston's S-7 Bill. In effect, it would reject the policy of multiple use management desired by Congress in its mandate to BLM several years ago. It would classify and restrict the uses of additional millions of acres of public lands such that only a very small narrow interest group of American citizens would ever be able to partake of the recreational and educational values and the future exploration for and development of economically viable mineral resources would be prohibited within those areas.

Please do not approve S-7 or any of the several similar House Bills which may come to your attention in the future.

Thank you,

B R Swarts
B. R. Swarts

1814 Malden St.
San Diego, Ca. 92109

BOULDER CITY, NEVADA
JULY 17, 1987

SENATOR DALE BUMPERS

RE: SENATE BILL S-7

WE STRONGLY OBJECT TO THIS BILL FOR THE FOLLOWING REASON.

CONGRESS HAS ALLOCATED MILLIONS OF DOLLARS TO B.L.M. TO MAKE A THOROUGH STUDY OF THE CALIF DESERT AND HOW IT SHOULD BE USED AND MAKE RECOMMENDATIONS FOR THE FUTURE, WITH THE FINAL RESULTS IN TWO YEARS

WE CANNOT UNDERSTAND WHY SOME POLITICIAN WOULD WANT TO PRESENT A BILL THAT WOULD "LOCK UP" A LOT MORE LAND INTO WILDERNESS THAN PROPOSED BY THE B.L.M. AND IN ADVANCE OF THEIR FINAL REPORT. WE CAN NOT BELIEVE THAT CRANSTON KNOWS MORE ABOUT WHAT SHOULD BE WILDERNESS THAN THE B.L.M. AND THEIR INTERSIVE STUDIES.

IF CONGRESS REALLY WANTS TO HELP. THEY SHOULD INCREASE THEIR (BLM) BUDGET SO THEY CAN PROPERLY PATROL, ADMINISTER, AND SUPERVISE THE PLAN NOW IN EFFECT. WITH ONLY 21 RANGERS (THE PLAN CALLS FOR 70) THE JOB CANNOT BE EFFECTIVELY DONE

WE THINK THE CALIFORNIA DESERT CONSERVATION AREA LAND USE PLAN IS A GOOD ONE

IT AINT BROKE SO DON'T FIX IT — JUST GIVE IT THE HELP IT NEEDS.

Annette S. Ewers
ANNETTE S. EWERS

Grant T. Ewers
GRANT T. EWERS

PO BOX 501
BOULDER CITY, NV 89005

Senator BINGAMAN. Thank you very much.

Let me ask just one question, and then I will defer to Senator Cranston.

Mr. Strain, maybe you could explain a little more as to how S. 7 as you read it would interfere with the ability of your organization, which is the Federation of Mineralogical Societies, to perform their mission of educating people.

Mr. STRAIN. Vehicular access, primarily.

Senator BINGAMAN. Do you disagree with earlier testimony that access would not be significantly impeded on existing roads?

Mr. STRAIN. I have several specific instances where access which we have utilized in the past would be impeded, yes.

Senator BINGAMAN. Do you want to describe those just briefly?

Mr. STRAIN. Yes, I could name some of them briefly. One is the Pacacho area in Imperial County. Another is the Turtle Mountains, the Calaverde Mountains. We would have to go to maps to point these out, but we are willing to work with the committee to do just that.

Senator BINGAMAN. But your view is there are existing roads there that this legislation would prohibit you from continuing to use?

Mr. STRAIN. That is correct; but also we should define our interpretation of a road. Our interpretation of a road which can be used by normal vehicles is not necessarily one maintained by power equipment. Sometimes it consists only of tracks maintained strictly by the passage of vehicles.

Senator BINGAMAN. Senator Bumpers, our Chairman, is here.

Senator BUMPERS. I have no questions, Mr. Chairman.

Senator BINGAMAN. Senator Cranston?

Senator CRANSTON. Thank you very much.

I just would like to address one question to you, Mr. Rouse. Can you identify for the committee the location of specific mineral reserves that you think would be closed to production by the bill?

Mr. ROUSE. I am the first to admit that I do not know the geology of the area as some of my colleagues do. If I may, I will refer this question to Bill of U.S. Borax.

Mr. PENNELL. I will be glad to answer.

Senator CRANSTON. Would you give your full name for the record?

Mr. PENNELL. I am Bill Pennell, senior geologist with U.S. Borax. I was not listening well. You were asking about reserves?

Senator CRANSTON. Yes. I am asking about whether or not you can give specific information to the committee on mineral reserves that you think would be closed to production by the bill.

Mr. PENNELL. Certainly not closed at the present time, but certainly the ability to produce the borate reserves that we have at Death Valley, for example, would be severely restricted by the bill; and the fact that we would be completely surrounded in the Ryan reserves, which Mr. Smith mentioned, and also by the national park; and in the Furnace Creek reserves, there would be wilderness right up to our borders.

Senator CRANSTON. It would not inhibit totally your access or your production. What specifically are you concerned would be the consequence?

Mr. PENNELL. It is really an economic question, sir. The way we produce minerals is not just to say we are going to go in and produce minerals. There has to be a value, and we assess that value based on the price of the commodity and what the cost is then to produce that commodity.

Given the restrictions that are usually provided in the wilderness acts and in national park acts that we would have to meet, it would raise our costs and therefore lower the value of the final product, and it would preclude us from being able to produce all those reserves.

Senator CRANSTON. Could you provide a more detailed response in writing, giving exact specifics of what concerns you have and any thoughts you have and how they might be dealt with?

Mr. PENNELL. Our statement does include that, and it has a map with it.

I think also the expansion of reserves, which is quite often very necessary, such as what they might even do at Mountain Pass, is another case in point. We are currently exploring in what is one of the WSAs under consideration to try to expand our reserves at Ryan so that they will be economic when they are needed.

Senator CRANSTON. Thank you very much.

I would just like to say to you, Mr. Fitzpatrick, that we will——

Mr. SMITH. May I expand on that question just a little bit?

Senator CRANSTON. Sure.

Let me say to Mr. Fitzpatrick we will follow up with you afterwards in writing as to specifics in terms of your concerns and how they might be dealt with.

Mr. FITZPATRICK. I appreciate that, sir. Might I comment on your question now? I think it is of general significance.

Our understanding of section 408 in the bill states that no plan of operation would be approved prior to determining the validity of a plan. Now, sir, in this deposit which we have, at least two-thirds of it was buried 200 feet below the surface. There was no way in which we could determine that this deposit from the surface had any value. There is no way to determine validity without operations, and there is no way to carry out operations without obtaining a plan of operations. So it is a class catch 22 situation that an exploration company would find itself in.

We would expect from the experience that we have had to date on our property that we will increase our reserves significantly. If we are not allowed to do additional exploration because of this plan of operations requirement, then we could not expand those reserves.

Senator CRANSTON. Thank you very much.

Mr. Smith, did you have a further comment?

Mr. SMITH. Yes. I would just point to an example where wilderness does impact operations where it is close by. An example that I am sure you are both familiar with is the Alaska National Interest Lands Conservation Act where U.S. Borax had a major molybdenum deposit in the area considered for the Misty Fjords National Monument.

In the final analysis, we had to negotiate for a nonwilderness enclave within that wilderness. Now that has caused us a great deal of time, difficulty in permitting, and great expense in developing that property, and that property could only go forward because it is a large, massive molybdenum deposit. If it were small in size, it would have been prohibited.

When you have small properties, they just cannot stand those additional costs when you place wilderness adjacent to the deposit or you surround the deposit with wilderness.

In the case of the Ryan area, it was in existence from probably about 1900 to 1927. The Death Valley National Monument boundary was deviated around that area by agreement because it was a mineral resource area, and we find it very difficult to understand how the authors of this bill would deliberately place national park wilderness completely around it except for one little entrance.

Mr. PENNELL. I might also say that the molybdenum deposit of which Mr. Smith speaks was looked at by the USGS as a part of the wilderness process and deemed by them to have no mineral value. With an expenditure of a few tens of thousands of dollars and stream sediment geochemistry, the world class molybdenum deposit was found in that area.

So mineral assessments, even done by very willing people, U.S. Geological people, are not conclusive.

Senator CRANSTON. Thank you very much.

Senator BUMPERS [presiding]. Gentlemen, thank you very much.

Our next panel is panel number 5, consisting of Arthur Montana, Professor at the University of California at Los Angeles; Patricia Schifferle, California-Nevada Regional Director of the Wilderness Society; Robert A. Barnes, Tulare County Audubon Society; Peter Burk, President, Citizens for Mojave National Park; Tasker Edmiston, Monterey Park, California; and Elden Hughes, Los Angeles Sierra Club in Wittier.

First on my list is Arthur Montana, Professor from the University of California. Which one is that?

Professor?

May we please have order in the committee room so the witnesses may be heard?

Professor Montana, please proceed.

STATEMENT OF ARTHUR MONTANA, PROFESSOR, UNIVERSITY OF CALIFORNIA, LOS ANGELES, CA

Mr. MONTANA. Thank you, Mr. Chairman. Good afternoon.

Good afternoon, Senator Cranston, and ladies and gentlemen. My name is Art Montana. I am a professor and Chairman of the Department of Earth and Space Sciences at UCLA, but this afternoon I am speaking for myself.

My major points are that mining in the proposed Mojave National Park is generally unnecessary, unprofitable and damaging to the environment.

Now, the Mojave area is a feature whose present configuration began to evolve about 60 million years ago but whose rocks extend back in time as great as a thousand million years or even longer. Now, its mineral wealth is largely in the nonmetallic minerals, such as limestone for cement, the rare earth elements, boron, sand and gravel, shale, et cetera. The major deposits of all of these of which are outside of the proposed national parks.

It is an area underlined by ancient Precambrian crust with the upper one or two miles in many places comprised of rocks that are very similar to those in the Sierra Nevada, the granitic rocks whose economic potential particularly for the precious metals, gold and silver, and the base metals, copper and zinc, for example, is very poor.

At present there are only two active mines in the area of the proposed Mojave National Park, one a medium scale gold mine, the other a volcanic cinder ash quarry. There has been no sustained mining operation anywhere in the proposed area.

Nevertheless, the area has been intensely prospected. I realize, of course, that we do not know everything that is out there, and there are over 10,000 mining claims in the area of the proposed park. On most of these mining claims, $100 of assessment work has to be done every year, and this is commonly accomplished by trenching with a bulldozer.

Now, much of the area is covered by young volcanic rocks, and these have been the scene of most of the destructive and useless mining adventures. As an example, consider the Cima volcanic field just east of Baker, California, which contains the youngest lava flows in Southern California. One volcano there is less than 1,000 years old.

It is a magnificent scenic area and is the home of some of the most dense and beautiful Joshua tree forests and spring wildflowers in the country. It is a useful place to show students of all ages how volcanos originate. It is a wonderful laboratory. It is a wonderful classroom.

In the eastern Mojave, we must protect against the subeconomic ventures that have characterized mining in this area. There are no places here where there has been sustained metal mining. The latest venture is the Colosseum just on the proposed park boundary. This is a marginal venture that strips the top of two low grade volcanic areas, piles the ore, and leeches the gold out with cyanide solutions.

Several hundred years from now we may need to exploit the deposits in the eastern Mojave. At present we do not have the technology to do it properly, nor do we have the pressing national need.

Many of these so-called strategic minerals that we import we do so by choice, market economics. For example, [illegible] shut down the famous tungsten deposits in Owens Valley because we can obtain it from China at one-third the cost, not because there is no tungsten there.

The eastern Mojave is not the answer to any strategic mineral problem that may exist in this country except for the mines that are presently operating. The rare earths is an example. Now, the eastern Mojave is deserving of protection because it is unique and it is fragile, and you have to emphasize this word "fragile". Nothing is more fragile than a desert or a volcanic terrain.

No other national park or proposed national park is within such close striking distance of such a large urban center. Mining in this proposed park has benefited very few people relative to the damage that has been done and could continue to be done.

[The prepared statement of Mr. Montana follows:]

MINING ACTIVITY IN THE EASTERN MOJAVE REGION

by
Professor Arthur Montana
Chairman, Department of Earth & Space Sciences
University of California, Los Angeles
Los Angeles, California 90024-1567

My major points are that mining in the proposed Mojave National Park is unnecessary, unprofitable, and grossly damaging to the environment.

The Mojave area is generally considered to be that region between the San Andreas and the Garlock faults, extending eastward to the Colorado River. It is a feature whose present configuration began to develop roughly 60 million years ago, although the rocks that comprise this area extend back beyond 1000 million years. The Mojave block is geologically characterized by numerous, well-eroded, predominantly fault-block groups of mountains separated by vast expanses of alluvium and dune sand. Its mineral wealth is largely in the non-metallic minerals, such as limestone for cement, boron, sand and gravel, and shale, but there have been important metallic deposits, such as the gold in the Rand District (which is outside of the proposed National Parks).

The eastern Mojave is an area bordered on the east by the Basin-and-Range province. The parts of this Basin-and -Range province Nevada and Arizona is important because of the so-called porphyry coppers, in which low-grade copper is disseminated through geologically young granitic rocks. However, the western extension of this into California is represented by very low grade copper-molybdenum mineralization--*e.g.*Signal Hill near Goff, the Telegraph Mine near Halloran Springs, and the Big Hunch area in the very scenic New York Mountains.

In the eastern Mojave, there are rocks that range from geologically old to very recent. The rare-earth deposits at Mountain Pass are an example of the oldest--Precambrian --rocks. Some of the young cinder-cone volcanoes and the boron deposits are examples of rocks that are geological infants. It is an area underlain by ancient, Precambrian crust, with the top 1 or 2 miles of crust in many areas consisting of granites similar to those in the Sierra Nevada, all of which have poor potential for the precious metals, such as gold, and the base metals, such as copper and zinc.

There are only two active mines in the area of the proposed Mojave National Park--one medium-scale gold mine and one cinder quarry. There has been no sustained mining. Nevertheless, this area has been intensely prospected, and there are over 10,000 mining claims in the proposed Par . On most of these, $100 of assessment work is required each year; this is commonly accomplished by trenching with a bulldozer. Much of the area is covered by young volcanic rocks, and these have been the scene of some of the most destructive and useless mining ventures. As an example of this unnecessary damage, consider the Cima volcanic field just east of Baker, California, which contains the youngest lava flows in southern California; one may be less than 1000 years old! It is a magnificent scenic area and a wonderful place to hike. It is home to some of the most dense and beautiful joshua-tree forests and stands of spring wild flowers in this Country. It is a useful place to show students of all ages how volcanoes form. However, even this area has not escaped unnecessary bulldozer damage resulting from road-building and annual assessment work on the hundreds of useless mining claims on these volcanic rocks.

About 5 years ago, it was reported that the basaltic volcanoes in the Cima area contained over 3 oz. of gold, over 7 oz.of platinum-group metals, and over 1 oz of silver per ton. Many unnecessary excavations were made to establish claims and complete annual assessment work in these magnificent and delicate cinder cones. I had several students working on these cones at the time, and I have studied similar alkali-basalt cones throughout the world. Nowhere do such rocks contain anything but the smallest traces of these elements. We have used the most advanced techniques available, including neutron activation, to analyze scores of basalts from throughout the eastern Mojave, and they average 3 or 4 parts of gold per billion -- that is, several ounces per thousand million tons-- not the many ounces per ton that were reported.

At about this same time, there began active exploration, including excavation, for germanium in these young, volcanic cones. This element occurs in trace amounts in these basalts, but it also occurs in seawater and nearly everything else. I asked the owners of the operation to visit me at my office at UCLA, and they were gracious enough to do so. I explained that this area would never become a source of germanium or similar elements, and they quit--only to be caught up later in the gold scam --continuing to deface this area. Even *Sunset* magazine picked up on their propaganda and announced that the area was rich in germanium, when our analyses show only about 30 parts per million.

Time is quickly running out if we are to preserve this region in anything like its present potential for enjoyment. It would be useful to know the geology, geophysics, and geochemistry of the area in detail, but this will not happen in the foreseeable future. It would take a national effort costing many billions of dollars. Realistically, this in not going to happen soon enough to prevent irreparable damage to this area. Once a geomorphic feature is altered, it takes geologic time to heal the scars--it is a one-way street--there is simply no return! In addition, the present worth of most mineral deposits is very small. No one will explore for mineral commodities today that will not be used for 10, 20, or more years. Nevertheless, we can use our combined knowledge to assess the probable mineral value of this area, and I believe that it is low. Most of the deposits are of poor grade and require the removal and treatment of large quantities of material.

Aside from brines and boron and limestone, the eastern Mojave is an area of very low grade mineralization. We must protect against the subeconomic ventures that have characterized mining in this area. There are no places here where there has been sustained metal mining. The latest venture is the Colosseum Mine, just north of the Clark Mountains and just outside of the proposed Park boundary. This is a marginal venture that strips the tops of two low-grade volcanic centers, piles the ore, and leaches the gold with cyanide solutions. This ore contains less than 0.1 oz/ton of gold.

The May, 1985 issue of *California Mining Journal* contains an article entitled "Proposed National Park Status Would Eliminate Mining." This is untrue. Senator Cranston is not proposing a plan that would eliminate mining. All operating mines can continue to operate, and valid claims will continue to be honored. It will also be possible to continue to stake valid claims in the proposed wilderness areas outside of the proposed National Park.

Some several hundred years from now, we may need to exploit the deposits in the eastern Mojave. At present, we do not have the technology to do it properly, nor is there a pressing national need. Many of the minerals that we import we do so by choice --market economics. We import manganese, but we have terminated operations at the extensive manganese deposits such as at Butte, Montana that could easily be exploited again. We shut down the famous tungsten mines near Owens Valley in the Sierra Nevada, because we can obtain it from China for 1/3 the cost. The eastern Mojave is not the answer to any strategic-mineral problem that may exist in this country.

The eastern Mojave region is deserving of protection because of its unique and fragile beauty. No other national park or proposed national park is within such close striking distance of such a large urban center. Mining in this proposed Park has benefitted very few people relative to the damage that has been and could continue to be done.

Senator BUMPERS. Thank you, Professor Montana.
Ms. Schifferle.

STATEMENT OF PATRICIA SCHIFFERLE, CALIFORNIA-NEVADA REGIONAL DIRECTOR, WILDERNESS SOCIETY, SAN FRANCISCO, CA

Ms. SCHIFFERLE. Thank you, Mr. Chairman. My name is Patricia Schifferle. I am the Regional Director for California and Nevada for the Wilderness society. Mr. Chairman and members, the Wilderness Society strongly supports the California Desert Protection Act.

We have a choice today as the committee considers this bill to offer to our children virtually an intact, vibrant, diverse evolutionary record of life dating back a million years or a denuded sandbox.

As you are aware, the California Desert Conservation Area is part of a larger effort on the part of this committee to consider wilderness designations for the Bureau of Land Management. The difference is that Congress singled out this area because they wanted it treated as an ecosystem due to its extreme fragile nature and the fact that it is easily scarred.

You have heard from the Bureau of Land Management. They claim the desert is being protected and that S. 7 is unnecessary. The fact is that the BLM has failed to follow legislative directives to protect these potential wilderness lands until Congress acts. Violators have not been prosecuted consistently and aggressively.

Bulldozing, water diversion, cyanide storage and extensive excavation in these pristine areas has been permitted. In fact, it is current Interior Department policy to systematically open these areas to incompatible uses. Already approximately 100 of the 137 WSAs in the California Desert have been impacted by authorized or unauthorized surface disturbing activities. We have included an addendum that summarizes these for the committee.

In addition, the U.S. Geological Survey reports that in the last 20 years 1 million acres of public land in the desert have been seriously scarred by ORVs. By contrast, it took strip miners a century and a half to scar 2 million acres nationwide.

The California Desert Protection Act is not a breach of faith. The Bureau's Desert Plan is not cast in stone. The plan's wilderness proposal is just that, a recommendation. In fact, the California Desert Plan calls for protection of nearly all the lands contained in S. 7, but the BLM's idea of protection is woefully inadequate. The agency prescribes almost the same management guidelines for pristine lands as those left open.

In addition, Mr. Chairman, opponents claim S. 7 will lock up strategic minerals and other valuable commodities. To assess the validity of this claim, our minerals expert went out and examined all the files and mineral data used by the BLM to develop the plan. Briefly, our mineral report concludes:

None of the 14 strategic minerals identified by the Office of Technological Assessment are currently produced or have reserves in the 25 billion acre California Desert;

Two, there were only a few economically important minerals in the California Desert, and their deposits are limited to a tiny fraction of this 25 million acres;

Three, most of these important mineral commodities, including borates, rare earths and sodium and calcium compounds have all or the vast majority of their production and reserves outside of the proposed new park and wilderness regions. All existing claimholders who have discovered economic mineral deposits will continue to have the right to mine, even if their claims are within the wilderness area or parks.

In conclusion, Mr. Chairman, I wish to enter into the record a portion of Wallace Stegner's statement. What one pleads for here is a policy of multiple sustainable use to replace the present irreversible wastage and destruction of the resource. Senator Cranston's bill will permit exploitation and even destructive recreation in certain ample places while saving some places intact or nearly so for the furthering of knowledge and the healing of our spirits. It will salvage some hard-to-reach sanctuaries where we can go to let the desert teach us lessons some of us so badly need to learn.

Thank you, Mr. Chairman. We urge your favorable consideration.

[The prepared statement of Ms. Schifferle follows:]

THE WILDERNESS SOCIETY

STATEMENT OF PATRICIA SCHIFFERLE, THE WILDERNESS SOCIETY REGIONAL DIRECTOR FOR CALIFORNIA AND NEVADA, BEFORE THE PUBLIC LANDS, NATIONAL PARKS AND FOREST SUBCOMMITTEE OF THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON THE CALIFORNIA DESERT PROTECTION ACT, S. 7, JULY 23, 1987.

Introduction

I am Patricia Schifferle, the California/Nevada Regional Director for The Wilderness Society, a 178,000-member national conservation organization dedicated to the wise use and preservation of the nation's public lands.

Mr. Chairman and members, The Wilderness Society strongly supports the California Desert Protection Act, S. 7, introduced by Senator Cranston. Our children should be able to enjoy the diversity and beauty of the desert. Without S. 7, they may well inherit little more than a denuded sandbox.

Located between the two burgeoning urban areas of Las Vegas and Los Angeles, the California Desert offers a rare opportunity to preserve a virtually intact, vibrant and diverse evolutionary record of life dating back millions of years. S. 7, by designating 81 BLM wilderness areas encompassing 4.5 million acres and transferring an additional 3 million acres of BLM land to the National Park Service, seeks to fulfill this opportunity.

1400 EYE STREET, N.W., WASHINGTON, D.C. 20005
(202) 842-3400

The President and the Congress recognized the national significance of the California Desert in the Federal Land Policy and Management Act (FLPMA) of 1976. At that time, the 25-million-acre California Desert Conservation Area (CDCA) was singled out for special consideration. In particular, Congress directed the BLM to view the California Desert as "a total ecosystem that is extremely fragile, easily scarred, and slowly healed." (Section 601 (a(2)))

FLPMA also instructed the Secretary of the Interior to inventory the Bureau's lands to determine which lands were eligible for wilderness designation. The BLM identified 5.7 million acres in 137 separate areas throughout the CDCA that qualified for wilderness consideration. Until Congress acts, the Secretary is required by FLPMA to manage these areas so that their wilderness qualities are not impaired. In addition, a comprehensive long-range plan was required to provide for the administration of all the BLM lands within the California Desert.

The Need for Congressional Action

You have heard from the BLM. They claim the California Desert is being protected and that S. 7 is unnecessary--even a breach of faith. Their arguments ring hollow. They are reminiscent of the arguments used years ago by the Bureau in an attempt to block the creation of the CDCA in the first place.

The fact is that the BLM has failed to follow legislative directives to protect these potential wilderness lands until Congress decides whether or not they should be included in the nation's wilderness system. Violators have not been prosecuted consistently and aggressively, and bulldozing, water diversion, cyanide storage, and extensive excavation in these pristine areas has been permitted. In fact, it is current Interior Department policy to systematically open these areas to incompatible uses. Under this policy, degradation of portions of WSAs is permissible as long as the resulting scars do not eliminate wilderness quality in the entire WSA. Already approximately 100 of the 137 WSAs in the California Desert have been impacted by authorized or unauthorized surface disturbing activities. For example:

o In October 1985, the BLM authorized a mining company to remove 150,000 tons of material per year in the Mecca Hills WSA -- almost the entire ridge line -- by declaring the action would not impair the wilderness characteristics of the area (WSA #343).

o In the Inyo Mountains (WSA #122), the State BLM office authorized as nonimpairing the diversion of water from two canyons in this wilderness study area without considering the impact on populations of bighorn sheep, mule deer, and the Inyo Slender Salamander (a candidate under the Endangered Species Act.)

Additional examples of degradation in WSAs are contained in Attachment 1. Indeed, so many WSAs have been affected by surface disturbing activities that one wonders how many WSAs will be left for Congress to designate with their original wilderness values intact.

According to United States Geological Survey reports, in the last 20 years one million acres of public land in the California Desert have been seriously scarred by ORVs. By contrast, it took stripminers a century and a half to scar two million acres of land nationwide. Areas of Critical Environmental Concern, required by FLPMA to be given priority protection (Sec. 202), have been damaged by sanctioned motorcycle races, ORV play, and sand and gravel excavation. These activities have denuded hillsides, endangered cultural resources, and impaired the wildlife habitat these areas were intended to protect.

The California Desert Protection Act is not a breach of faith. The Bureau's Desert Plan is not cast in stone. The plan's wilderness proposal is just that -- a recommendation to Congress. Congress retains the prerogative to accept, modify, or reject the Bureau's recommendations. In fact, the BLM Desert Plan itself calls for "protection" of nearly all the lands contained in S. 7. But the BLM's idea of protection is woefully inadequate -- the agency prescribes almost the same management guidelines for pristine lands as for those left open for development. Under Senator Cranston's proposed legislation, Congress would prescribe the protective classifications -- not an administrative agency whose decisions are easily subject to change.

Passage of the California Desert Protection Act will not throw out the BLM desert plan as alleged. Nine million acres will still be managed in accordance with the BLM's plan and the input of the advisory committee. S. 7 does not affect nearly 770,000 acres of ORV play areas nor does it affect some 30,000 miles of roads and dirt ways. Some BLM lands -- three million acres of the most pristine and sensitive arid land forms in the California Desert -- will be transferred to and managed by the National Park Service. Attachment 2 is a description of the identified rare, endangered, threatened, or candidate endangered species contained in these national park additions.

The record of the last ten years is clear: without wilderness and national park designation, these fragile resources will be steadily eroded away.

No Lock-up of Minerals

Mr. Chairman, opponents claim S. 7 will lock up strategic minerals and other valuable commodities. To assess the validity of this claim, The Society has completed a detailed analysis of the federal government's mineral data for the CDCA. The resulting report is Attachment 3.

Briefly, our mineral report concludes:

o None of the 14 strategic minerals identified for Congress by the Office of Technology Assessment are currently produced or have reserves in the 25-million-acre California Desert.

o There are only a few economically important minerals in the California Desert, and their deposits are limited to a tiny fraction of the 25 million acres.

o Most of these important mineral commodities including borates, rare earths and sodium and calcium compounds, have all or the vast majority of their production and reserves outside of the proposed new park and wilderness regions.

o All existing claimholders who have discovered economic mineral deposits will continue to have the right to mine -- even if their claims are within a wilderness area or park addition.

Conclusion

Wallace Stegner has eloquently stated the case for protecting the California Desert in Attachment 4. He says:

"What one pleads for here is a policy of multiple sustainable use to replace the present irreversible wastage and destruction of the resource. Senator Cranston's bill will . . . permit exploitation and even destructive recreation in certain ample places, while saving some places intact, or nearly so, for furthering of our knowledge and the healing of our spirits. It will salvage some hard-to-reach sanctuaries where we can go to let the desert teach us lessons some of us badly need to learn."

We commend Senator Cranston for his leadership and vision. We urge the favorable consideration by this committee of S.7, the California Desert Protection Act.

1. MECCA HILLS (CDCA #343)

Summary: In October, 1985, the BLM approved as a "nonimpairing" activity a mining plan that would remove an entire ridge from the WSA by excavating 150,000 tons of material per year.

Bonding: $3,000.00 reclamation bond was required.

Narrative: In October of 1985, the BLM's California Desert District approved a mining plan of operation to remove an entire ridgeline from the Mecca Hills WSA. BLM judged that "excavating [a ridge] down [120'] to the elevation of the adjacent low lying areas" would be "nonimpairing" and "substantially unnoticeable" when completed.

The extremely colorful Mecca Hills were once described by a National Park Service study as having the most diverse geology, concentrated in one place, of any area in the Mojave-Sonoran natural region. The area's complex canyons and intricate passageways provide unlimited, outstanding opportunities for solitude and primitive and unconfined recreation according to the BLM.

The BLM's approval of this excavation would allow the removal of an entire ridge that helps to form one of the "complex canyons" the WSA is known for. The approved activity would clearly alter the topography and scenic quality of the area.

So far the operator has not exercised the option BLM has given them to degrade the tremendous beauty of this wilderness study area.

2. SALINE VALLEY (CDCA #117)

Summary: Operator with previous violations in same WSA was allowed to carry out new activities without adequate monitoring or bonding.

Damage: Operator damaged petroglyph covered wall, built an unauthorized surface water diversion, and completed excessive road work.

Bonding: None required.

Enforcement: No citations issued.

Narrative: In May of 1986, J. Ostrenger, with BLM permission bulldozed a road more than 2 miles into the number one rated Wilderness Study Area (WSA) in the CA Desert, the Saline Valley WSA. He then illegally completed excessive road work, built an unauthorized water diversion, and damaged a cultural resource site. According to the wilderness specialist, petroglyphs were within one foot of the area excavated. The BLM's staff archaeologist surmised that the area excavated by Ostrenger, while surrounded by petroglphs, probably did it self not contain any.

A year earlier, J. Ostrenger had illegally bulldozed a 7 mile road within the same WSA. Yet, the BLM approved Mr. Ostrenger's proposed activities in 1986 and required no reclamation bond from him.

It should be noted that the BLM's "stop work" order only addressed the potential damage to archaeological resources but did not discuss the unauthorized road work and the water diversions that are clearly violations of the stipulation under which Mr.Ostrenger's plan of operation was approved.

3. PAHRUMP VALLEY (CDCA #154)

Summary: Unauthorized construction of road. Violation notices issued 15 months after discovery.

Narrative: Pahrump is a low desert area dominated by the topography of the Kingston Mountains. In March of 1985, 3.5 miles of unauthorized roads were constructed within the Pahrump Valley WSA by a mine operator who had permission to enter the area but without establishing a new access route. Fifteen months after the discovery of the violation BLM issued citations to the operator.

According to the BLM, the estimated cost of rehabilitating the road is $7,500, while the bond required of the mine operator was only $1,200.00.

4. INDIAN PASS (CDCA #355)

Summary: Under the guise of operating a mine, with no approved operations plan, the Trantula [sic] Mining Club has been using part of the Indian Pass WSA as a fishing camp. The site is littered with a garbage dump, seven deteriorating residential trailers, a front-end loader, and a variety of other equipment.

Enforcement: No final action has occurred to our knowledge.

Narrative: Although BLM was aware of the presence of the residential trailers and garbage dump within this WSA, which has been recommended suitable by the agency, it was not until conservationists began to question the legality of the situation that BLM initiated some limited action. The agency now admits that the trailers, the garbage dump, and assorted equipment should not be on the site. The local area office has estimated that it could cost the BLM as much as $10,000 to reclaim the site should the trailers be allowed to deteriorate further.

Indian Pass WSA derives its highly scenic character from its diverse terrain and unique relationship to the Colorado River. The penetration of Colorado River flora and fauna into the wash areas is a unique California Desert phenomenon and merits protection.

5. AVAWATZ MOUNTAINS (CDCA #221)

Summary: BLM authorized Ben-SAR, Inc. to dig ten open pits, removing 5 to 10 tons of material from each by backhoe and dump truck, driven off-road, saying the activities would not impair the area's wilderness qualities. BLM did not require a bond.

Narrative: The Avawatz Mountains WSA adjoins the southern end of Death Valley National Monument. This area contains some 75 square miles of bighorn sheep habitat with numerous springs providing good sources of water.

After approval of the exploratory work by Ben-Sar, Inc., conservationists appealed this action to the Interior Board of Land Appeals, contending that the extensive off-road travel and removal of tons of material from ten open pits covering a 640 acre area would indeed impair the area's wilderness qualities in violation of FLPMA.

After IBLA denied the mining company's request to proceed with their work pending the disposition of the appeal, the mining concern withdrew its plan of operation for the site.

6. SURPRISE CANYON (CDCA #136)

Summary: Unauthorized road building inside of the WSA, associated with other unapproved activity just outside the area. BLM failed to act for half-a-year after discovery of this disturbance. BLM also failed to notify the public of this surface disturbance as required by one of its own instruction memos.

Damage: Bulldozed road.

Narrative: In the spring of 1986, operators of the Porter mine, near the boundary of the Surprise Canyon WSA, bulldozed at least 300 feet of road into the study area. They also carried out other unauthorized mining activity just outside the boundary of the area.

Conservationists contacted the BLM throughout the summer voicing concern over this surface disturbance. Not until the last days of August did BLM issue a notice of noncompliance. BLM also failed to follow its own internal guidance to provide public notification of discovered unauthorized surface disturbances within WSAs in a timely manner.

As of late fall 1986, reclamation had not been initiated.

The Surprise Canyon WSA is made up of rugged mountains and deep canyons, and is the permanent range of the Panamint desert bighorn herd. The area's canyons possess extensive riparian habitat, which is increasingly rare in the southwest.

7. INYO MOUNTAINS (CDCA #122)

A. Summary: BLM was forced to spend over $12,000 in the removal of hazardous waste from an abandoned mining operation. The agency has estimated that it could cost $100,000 to fully reclaim the site.

Damage: Abandoned mining site with unsecured hazardous wastes and surface disturbances including bulldozed equipment pads and a road.

Bonding: No bond was required.

Narrative: The initial plan of operations for the Keynot mine in the Inyo Mountains WSA was appealed by conservationists who noted that the plan exaggerated the mineral deposits by 2700 percent. The miner withdrew this plan. Another plan was eventually approved, but ultimately had to be rescinded by BLM.

In the meantime, the miner helicoptered a bulldozer to the site and constructed a large processing plant. As would later be discovered, the miner also improperly stored 28 fifty-gallon drums of sodium cyanide in the open beside a popular hiking trail. BLM failed to take action until after the Interior Board of Land Appeals suspended the BLM's approval of the miner's Plan of Operation.

The Inyo Mountains WSA ranks 22nd among the desert's WSA's, it is one of the most spectacular and scenic in the CDCA, and tentatively recommended suitable by the BLM. The WSA stretches from bristlecone pines at 11,000 feet to a salt lake at 1,000 feet above sea level. In addition to the Inyo Slender Salamander, a candidate for listing under the Endangered Species Act, eagle, bighorn sheep, and endemic plants inhabit the area.

B. Summary: The Interior Board of Land Appeals recently reversed and remanded BLM's decision to allow diversion of water from two canyons within the Inyo Mountains WSA with no consideration of environmental impacts.

Narrative: After contacting the BLM's state office in Sacramento, the operator of the

Campagna mine gained a reversal of a California District Office decision to deny a water diversion within the Inyo Mountains WSA. Conservationists appealed this approval of the water diversion claiming that the State office direction to the District office incorrectly interpreted FLPMA and the 1872 mining law and ignored the opinion of the Interior Solicitor's regional office.

BLM's interpretation would allow diversion of the water source without consideration of impacts on the area's environment. Populations of bighorn sheep and mule deer in the Inyos would be adversely affected by the diversion and it could threaten the Inyo Slender Salamander currently being considered for listing as an endangered or threatened species. Sensitive riparian habitat would also be disturbed.

In a recent decision, the IBLA reversed BLM's approval of the water diversion. The Board found in error BLM's contention that the 1872 mining law and Interior regulations apply in lieu of Title V of FLPMA to diversion of water across land in a wilderness study area for use in mining. Thus requiring that consideration be given to ways to minimize damage to scenic and aesthetic values and fish and wildlife habitats. Indeed the BLM may deny a right of way where the environmental damage would be too severe.

Endangered, Threatened and Imperiled Species of the California Desert

Federal Status

E	Endangered Species
T	Threatened Species
C	Candidate Species for Listing

State Status

E	Endangered Species
R	Rare Species
S	Species of Special Concern recognized by California Department of Fish and Game
P	Protected Species

Attachment 2

Death Valley National Monument National Park Additions

Saline Valley Wilderness Study Area

Species	Federal	State
Eureka Dunes Evening Primrose	E	R
Eureka Dune Grass		R
July's Gold	C	
Shining Milk Vetch	C	
Desert Bighorn Sheep		P
Prairie Falcon		S

Panamint Mountains Wilderness Study Area

Species	Federal	State
Shining Milk Vetch	C	
Prairie Falcon		S

Owlshead Wilderness Study Area

Species	Federal	State
Desert Bighorn Sheep		P

Joshua Tree National Monument National Park Additions

Coxcomb Mountains Wilderness Study Area

Species	Federal	State
Desert Bighorn Sheep		P

Pinto Mountains Wilderness Study Area

Species	Federal	State
Foxtail Cactus	C	

Eagle Mountains Wilderness Study Area

Species	Federal	State
Prairie Falcon		S

Mojave National Park

Granite Mountains Wilderness Study Area

Species	Federal	State
Stephens Beard Tongue	C	
Robinsons Monardella	C	
Desert Bighorn Sheep		P
Prairie Falcon		S

Providence Mountains Wilderness Study Area

Species	Federal	State
Stephens Beard Tongue	C	
Short Joint Beavertail Cactus	C	
Desert Bighorn Sheep		P
Prairie Falcon		S

Kelso Dunes Wilderness Study Area

Species	Federal	State
Least Bell's Vireo	E	E
Prairie Falcon		S

Old Dad Mountains Wilderness Study Area

Species	Federal	State
Mojave Tui Chub	E	E

Providence Mountains Wilderness Study Area

Species	Federal	State
Stephens Beard Tongue	C	
Short Joint Beaver Tail	C	
Desert Bighorn Sheep		P
Prairie Falcon		S

Woods Mountains Wilderness Study Area

Species	Federal	State
Stephens Beard Tongue	C	

Signal Hill Wilderness Study Area

Species	Federal	State
Swainson's Hawk	C	T
Mojave Tui Chub	E	E

Mid Hills Wilderness Study Area

Species	Federal	State
Swainson's Hawk	C	T

Fort Piute Wilderness Study Area

Species	Federal	State
Gila Monster	C	
Mojave Tui Chub	E	E
Desert Bighorn Sheep		P
Prairie Falcon		S

New York Mountains Wilderness Study Area

Species	Federal	State
Swainson's Hawk	C	T
Desert Bighorn Sheep		P
Prairie Falcon		S

THE WILDERNESS SOCIETY

MINERALS IN THE
CALIFORNIA DESERT CONSERVATION AREA

by

W. Thomas Goerold

July, 1987

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Attachment 3

1400 EYE STREET, N.W., WASHINGTON, D.C. 20005
(202) 842-3400

SUMMARY

Analysis based on federal government data shows that none of the proposed new park or wilderness areas in the California Desert Protection Act contain known deposits or reserves of strategic minerals. Most of the mineral wealth of the California desert is limited to a few locations in a small portion of the 25 million acre California Desert Conservation Area. Virtually all of the important commodities have all or the vast majority of their production and reserves outside of the proposed new parks and wilderness regions. Furthermore, under the California Desert Protection Act, any existing claimholders who have discovered economic mineral deposits will continue to have the right to mine.

INTRODUCTION

The California Desert Conservation Area (CDCA) contains 25 million acres of land in southern California, of which over 12 million acres are public lands administered by the Bureau of Land Management (BLM). The CDCA was created in 1976 by the Federal Lands Policy and Management Act (FLPMA). As stated in FLPMA, the BLM was instructed to prepare a long range plan for the management, use, development, and protection of the public lands within the CDCA. The Congress also mandated a wilderness review of the CDCA lands. In 1980, the BLM released it's CDCA Plan. The Plan originally recommended approximately 2.1 million acres, or eight percent of the CDCA, for wilderness protection. Subsequent Plan amendments have reduced the area recommended for wilderness status to 1.9 million acres.

Earlier this year, Senator Alan Cranston introduced the California Desert Protection Act (S. 7). This bill proposes to expand the boundaries of Death Valley and Joshua Tree National Monuments and to change their status to national parks. The legislation would also establish the Mojave National Park and create 81 BLM wilderness areas. Total new park and wilderness acreage proposed by the California Desert Protection Act amounts to approximately 7.5 million acres.

Opponents of the California Desert Protection Act claim that the new park or wilderness designation for many areas would create serious conflicts for current and future uses of the land. One of their foremost concerns is the "lock-up" of lands in wilderness or park status that may hold many strategic and other valuable minerals.

Spokesmen for the mineral industries maintain that the entire California desert is mineralized. They argue that the enactment of the California Desert Protection Act would result in the loss of thousands of jobs and related economic activity.

In reality, the legislation recognizes all existing mineral production and valid claims in the California Desert Conservation

Area. All valid mineral rights associated with existing mining claims or mineral leases are legally protected under provisions of the Act. All mineral activity conducted on valid claims in the desert region would be allowed to continue.

The purpose of this report is to assess the importance of minerals in the 25 million acres of the CDCA. Additionally, it investigates the distribution of production and mineral reserves (identified minerals that are economic to produce under current economic conditions and may be mined in future years) in the California desert and evaluates the proposed legislation for potential mineral conflicts.

METHODOLOGY

A. Data Sources

The mineral potential of the CDCA was assessed with data from federal government sources. Most of the data for this study were obtained from the publications issued by the BLM on the wilderness and mineral attributes of the CDCA. Foremost among the BLM publications is the multi-volume CDCA Plan and Final Environmental Impact Statement. These volumes, including the Wilderness and Geology-Energy-Mineral Appendices, provide specific data on current and historical commodity production, values, tonnages, reserves, and resources.

U.S. Geological Survey (USGS) and Bureau of Mines (USBM) Office of Technology Assessment (OTA), and Federal Emergency Management Agency (FEMA) publications provided background information on the various commodities and their properties that are important to the mining industry in the U.S., California, and the California desert. A series of USGS and USBM documents also describe the mineral potential of some of the WSAs in the CDCA.

The most detailed material for this report was secured from extensive files located in the BLM offices in Riverside, California. BLM files in Riverside provided comprehensive information on the exact location of mines, mineral occurrences, and other pertinent data for the entire 25 million acres of the CDCA. These files proved to be an invaluable aid in determining the mineral endowment of the desert region. Unfortunately, a comparison between the mineral information in the BLM office in Riverside and the mineral information reported in the BLM Environmental Impact Statement Wilderness Appendix showed widespread discrepancies. In order to minimize these contradictions, in the event of a conflict between the two sources, the data reported in this study are based on the information contained in the BLM files in Riverside.

B. Determine Important Mineral Commodities

The initial task involves assessing the importance of the various commodities found in the region. Not all materials found in the California desert are equally important to the mineral industry. Therefore, this study provides criteria to establish the importance of various commodities in a national, state, and regional context.

For the purpose of this study, a mineral commodity is defined as important if it meets one or more of the following criteria:

- it is a strategic mineral;
- it has significant current or historical production in the California desert;
- it is found in few or no other places in the country;
- it has economically-producible reserves in the region;
- it supports large employment in mining or processing of the material in the CDCA; or
- it holds a significant share of state or national production of the mineral.

C. Determine Impacts of the California Desert Protection Act on Mineral Production and Reserves

In addition to investigating the importance of minerals to the California desert as a whole, this study analyzed whether the important mineral commodities in the CDCA were in conflict with the sites proposed for new park or wilderness protection within the California desert. Because mining is an important economic activity in the California desert region, efforts were made to exclude areas of importance to the mineral industry when the new park and wilderness boundaries were proposed. This study identifies the subset of regions within the CDCA that are recommended for new park or wilderness status that may have mineral conflicts.

A potential mineral conflict is indicated when a proposed new park or wilderness region contains current reserves or production of an important commodity (important commodities are defined above). Mineral assessment information located in the BLM files in Riverside provided the data for establishing the boundaries and mineral information to identify a possible mineral conflict.

RESULTS

A. Strategic Minerals

Fourteen strategic minerals have been identified for the U.S. Congress as follows[1]:

1. chromium
2. cobalt
3. manganese
4. platinum group minerals
5. bauxite/alumina
6. baryllium
7. columbium
8. diamond (industrial)
9. graphite (natural)
10. rutile
11. tantalum
12. tin
13. titanium sponge
14. vanadium

None of these strategic minerals are currently produced or have reserves in the 25 million acre California Desert Conservation Area. Prior to 1945, 48,000 pounds of tin was produced from one mine in the CDCA, but outside of proposed new park and wilderness areas.

Additionally, a small quantity of manganese was produced from the CDCA, largely outside of proposed new park and wilderness areas. The production of this material was subsidized through price supports administered by the federal government during World War II. According to the U.S. Bureau of Mines[2] "...[domestic land-based resources of manganese] should not be developed except in a dire emergency". In an emergency situation the two best deposits for development are located in the Cuyauna Range of Minnesota and in Aroostook County, Maine.

B. Other Important Minerals Found in the CDCA

In 1984, the State of California produced non-fuel minerals with a market value of $2 billion. At least $600 million of this production was extracted from the 25 million acre California Desert Conservation Area. Based on the best information available, three commodity groups comprise the majority of the value of mineral production from this area. Ranked according to their 1984 value, the mineral commodity groups are: borates ($457 million), sodium compounds (about $100 million), and rare earths ($54 million).

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[1] Office of Technology Assessment, 1985, Strategic Minerals: Technologies to Reduce U.S. Import Vulnerability, p. 52.

[2] U.S. Bureau of Mines, 1985, Mineral Facts and Problems, p. 486.

In 1984, sand and gravel valued at $360 million was produced from at least 528 locations spread throughout California. By volume and number of mines, the largest single commodity produced in the CDCA is sand and gravel. There are approximately 123 active mines of all types in or near the California desert. Fifty-four of the 123 mines (44 percent) produced sand and gravel, a very abundant resource throughout the region and the state. There are approximately 405 other sand and gravel operations in California that lie outside of the CDCA.

Using the above mineral production figures, as well as criteria listed in the previous section, important mineral commodities were determined and ranked in order of decreasing importance:

(1) borates, rare earths, and sodium compounds;

(2) gold, silver, tungsten, talc; and

(3) gypsum, and sand and gravel.

The areas of production and known reserves of most of these commodities in the desert area are concentrated in just a few locations. Most or all of the production and reserves of these important minerals are located outside the proposed wilderness boundaries, and largely outside of the proposed new park areas. Talc producers in Death Valley National Monument will continue to hold mineral rights under the proposed legislation.

According to BLM data, there are no known reserves of gypsum in the CDCA. As depicted in Table 1, tungsten and rare earths reserves in the CDCA each have all of their reserves located in one deposit. Also, at least 90 percent of the reserves of borates, sodium minerals, and silver are located in just one or two locations in CDCA. Although the CDCA is undoubtedly rich in some mineral commodities, the bulk of the reserves of most of these minerals is located in one or a few limited areas, largely or completely outside of the proposed new park and wilderness areas.

Table 1 - Distribution of the Mineral Reserves of Selected Minerals in the California Desert Conservation Area.

Mineral and Location	Percent of Reserves
	(%)
Borates	
Searles Lake	47
Boron	47
Rare Earths	
Mountain Pass	100
Sodium Compounds	
Searles Lake	97
Dale Lake	3
Silver	
Calico District	99
Tungsten	
Atolia	100

Source: BLM CDCA Plan Appendix XIV: Geology-Energy-Minerals.

Ninety-four percent of the borates reserves in the CDCA are located in just two areas that are adjacent to the regions currently mined and outside of projected park and wilderness regions. The borates reserves known in these two areas are sufficient to satisfy current total U.S. demand for 42 years.

All known rare earths reserves in the California desert exist adjacent to the Mountain Pass Mine. A small number of claims lie in the proposed Mojave National Park. Yet, the rare earths reserves outside of the proposed park could meet the current level of U.S. consumption for at least 140 years. Also, if rare earths claims within the proposed Mojave National Park are valid, the pending legislation would not deny the claimholders any future mineral rights.

Ninety-seven percent of all sodium compound reserves in the CDCA are also located in one area coinciding with one of the two areas of borate reserves. In addition to large amounts of borate reserves, the Searles Lake mines contain huge quantities of sodium reserves. According to the BLM data[3] "Searles Lake ... is expected to be in production well past the year 2000. The economic feasibility of other deposits going into production in competition with Searles Lake is very doubtful." Also, [the reserves of sodium carbonate] "at Searles Lake are large and are estimated to have a production life of 770 years at the present annual [production] rate of 1,400,000 short tons."

CONCLUSION

The preceding analysis reveals that none of the proposed park or wilderness areas in the California Desert Protection Act hold any operating deposits or reserves of strategic minerals. The majority of the mineral wealth of the California desert is represented by a few commodities found in a small part of the 25 million acre California Desert Conservation Area. Nearly all of these important mineral commodities have all or the vast majority of their production and reserves outside of the proposed new parks and wilderness regions. Also, any area that is now covered by a valid mining claim that has a discovery of economic minerals will be open to future mineral activity under the California Desert Protection Act.

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[3] Bureau of Land Management, 1982, Final Environmental Impact Statement and Proposed Plan, California Desert Conservation Area, Appendix XIV: Geology-Energy-Minerals (G-E-M), pp. 132, 154.

My name is Wallace Stegner. I live in Los Altos Hills, California, and have spent most of a fairly long life studying and writing about the West--the real West as distinguished from the West of myth and horse opera. For a time in the 1960s I served as a special assistant to Secretary of the Interior Stewart Udall, and as a member, later chairman, of his Advisory Board on National Parks, Historical Sites, Buildings, and Monuments.

For more than sixty years I have been driving through, hiking in, and camping in the California deserts, once among the most sublime of outdoor sanctuaries. During that time there have been profound changes, all for the worse, in the condition of the land, the native plants, and the wildlife. The Gila monsters that one used to meet occasionally, and the desert tortoises that one used to meet frequently, are exterminated or driven back into the remotest areas. The rabbitbrush that is a sure sign of overgrazed range is everywhere. Great swaths of desert are torn up by motorcycle rallies and races, and many areas are marked by the tracks of General Patton's tanks, seismic oil rigs, prospecting 4wd's, and intrusive ORV's. Many such tracks date from World War II or earlier. All, and their ecological damage as well, are likely to survive World War III.

It is not my purpose to instruct the Committee in what it already knows. I want only to emphasize that these deserts are fragile, and that the plants and animals that have adapted to desert conditions and hold the deserts together are more fragile still. It has been demonstrated that even the sound of a passing motorcycle rally is fatal to certain life forms, and the churning wheels that uproot a creosote ring have uprooted the oldest life on earth.

Attachment 4

Other witnesses may deal with the objections to Senator Cranston's bill raised by mining companies. I will address myself mainly to the complaint of ORV groups that it will make the desert inaccessible except to those on foot. Having got around in those deserts for years without benefit even of 4-wheel drive, I know that there are hundreds of tracks, legitimately usable, that will lead anyone to the edge of and sometimes part-way into the most remote spots. The only reason for going cross-country is to prove that you can; and the consequences of wholesale cross-country driving are ruinous. It is precisely reckless cross-country driving that has imperilled intaglios, rock paintings, plants, animals, and soil.

The living desert, the desert as it used to be and as only the inaccessible parts still are, is of enormous biological and ecological importance. It is a mine of archaeological riches. It is one of the friendliest places in the world to camp. It has landforms and lights and weathers of extraordinary beauty. It is also a place of serenity and healing. Not accidentally, three of the world's great religions arose in deserts. A desert brings people face to face with the awesome, impersonal universe. There is no better cure for human shrillness than desert stars and desert silence.

What one pleads for here is a policy of multiple sustainable use to replace the present irreversible wastage and destruction of the resource. Senator Cranston's bill will put the most precious parts of the desert under the bureau best equipped and most philosophically willing to take care of them. It will permit exploitation and even destructive recreation in certain ample places, while saving some places intact, or nearly so, for the furthering of our knowledge and the healing of our spirits. It will salvage some hard-to-reach sanctuaries where we can go to let the desert teach us lessons some of us badly need to learn.

Wallace Stegner

Senator **Bumpers**. Thank you, Ms. Schifferle.

Next is Robert Barnes, Tulare County Audubon Society.

STATEMENT OF ROBERT A. BARNES, TULARE COUNTY AUDUBON SOCIETY, PORTERVILLE, CA

Mr. **Barnes**. Thank you, Mr. Chairman, and I really want to thank Senator Cranston for introducing S. 7. I think it is incredibly exciting. Congressman Levine, thank you so much for introducing it in the House. It provides us a chance to start getting the issue out to discuss it and to get the facts out to dispel the myths. I am really excited about it, and I am happy to be back in Washington, D.C. from agricultural Tulare County, California.

I do not have a prepared statement here——

Senator **Bumpers**. I thought you were finished, and I was going to suggest you run for something. [Laughter.]

Mr. **Barnes**. I have a prepared statement that I have given to you, but I would just like to talk as I am there rather than be tied to a piece of paper.

I have some beautiful photographs. I do not think anybody has shown some of the gorgeous areas.

Senator **Bumpers**. I have them in front of me.

Mr. **Barnes**. If you get bored with my talk, you can look at those and pass them around.

You know, I was thinking, what am I going to do? How am I going to present this talk? One thing I know I wanted to get across was the fact that in terms of my representation, Tulare County Audubon Society, Kern Audubon Society and several other environmental groups are extremely interested in the area that Dr. Stebbins touched upon but I do not think the American public appreciates and which Morgan Fairchild seems to appreciate, and that is the idea of biological diversity, genetic diversity, the kinds of things that we find in the Amazon rain forest that provide us with many medicines, the kinds of things that we find that will be maintained by wilderness protection, by parks protection, that will allow research in the future, that may benefit us in ways far beyond anything that has been mentioned today. The Western Regional Office of the Audubon has a deep commitment to an area I have worked on.

Another thing, this week I was going around with a gentleman from Israel who is the Secretary General of their primary environmental group, and he said something very interesting. He said Israel is 50 percent desert, and he said even though we have incredible security problems in our country, and you all know the sensitivity of that and the threat, he said we have determined that 50 percent, one-quarter of our country, the desert, should be protected as natural areas. That is how important it is to us, even with all the security problems that that could entail.

I think that would be a good guideline for us as we go to protect the desert. This gentleman will be in Washington until the end of the week, and I hope you get a chance to talk to him for the philosophy of protection in an area that is threatened much more directly than I feel I am in Porterville, California at this point.

My favorite area—I know the time is going to run out, and I will just stop when the red light goes on. I hope you will appreciate that—is the South Fork of the Kern watershed which you are dealing with in terms of the Wild Scenic Rivers legislation. If you can do like you did with the lady the other day, the city councilwoman, where you made a promise to her, if you will promise to pass my 288,280 acres in or about the South Fork of the Kern watershed, I will go home one happy guy.

Thank you.

[The prepared statement of Mr. Barnes follows:]

July 23, 1987

Senate Subcommittee on Public Lands, National Parks, and Forests
United States Senate
Washington, D.C.

Mr. Chairman and fellow members of the Subcommittee:

My name is Robert A. Barnes. I am a resident of Porterville, Tulare County, California. I wish to thank the Chairman and fellow members of the Subcommittee for the opportunity to appear today to submit written and oral testimony in support of Senator Alan Cranston's monumental proposal S. 7, the California Desert Protection Act. I wish to thank Senator Cranston for his leadership in introducing S. 7, and I wish to thank Congressman Mel Levine for offering a companion bill (H.R. 371) in the United States House of Representatives. As my area of expertise is the Southern Sierra Nevada and adjacent lands, I will confine the majority of my remarks to the seven proposed additions to the Wilderness Preservation System from that area that are contained in S. 7. They are: Sacatar Trail (52,000+ acres straddling the Sierra Crest north of the Nine Mile Canyon Road in Inyo and Tulare Counties); Domeland Addition (36,000+ acres in Kern and Tulare Counties bordering the existing Dome Land Wilderness); Chimney Peak (15,000+ acres in Tulare County separated by a roaded corridor from the Sacatar Trail, Domeland Addition, and Owens Peak Wilderness proposals); Owens Peak (78,000+ acres in Inyo, Kern, and Tulare Counties straddling the Sierra Crest south of the Nine Mile Canyon Road, west of the Los Angeles Aqueduct, north of Highway 178, and east of the Chimney Peak Road); Kiavah (90,000+ acres in Kern County straddling the Sierra Crest south of Highway 178, west of the Los Angeles Aqueduct, north of Bird Springs Pass, and east of the Kelso Valley Road); Frog Creek (10,000+ acres in Kern County south of the Bird Springs Pass Road); and Bright Star (10,000+ acres in Kern County west of the Kelso Valley Road). All seven of the proposed areas are completely or partially in the South Fork Kern River watershed whose uniqueness will be alluded to in the following discussion.

Testimony of Robert A. Barnes on behalf of S. 7...July 23, 1987...

I have the opportunity and privilege to appear before you today as an official representative of the following local groups who convey their concern over the maintenance of the wilderness integrity of the previously mentioned Wilderness proposals and who support S. 7: Tulare County Audubon Society (Visalia, Tulare County); Kern Valley Wildlife Association (Weldon, Kern County); Porterville Area Environmental Council (Porterville, Tulare County); Kern Plateau Association (Kernville, Kern County); South Fork Watershed Association (Porterville, Tulare County); and Kern Audubon Society (Bakersfield, Kern County). I would like to thank the over 2,000 members of these organizations for the opportunity to participate in the Congressional process on their behalf.

OTHER ORGANIZATIONS WHO SUPPORT THE GOAL OF PRESERVING THE WILDLIFE AND OTHER NATURAL VALUES OF THE SOUTH FORK OF THE KERN RIVER WATERSHED AND ADJACENT LANDS FOUND EASTWARD TO THE LOS ANGELES AQUEDUCT ARE: Committee to Preserve the Ecology of Inyo and Mono; Tehipite Chapter of the Sierra Club; Fresno Audubon Society; Golden Valley Ecological Society; Bay Chapter of the Sierra Club; Northern California Regional Conservation Committee of the Sierra Club; Southern California Regional Conservation Committee of the Sierra Club; National Audubon Society; Kern-Kaweah Chapter of the Sierra Club; Davis Audubon Society; Los Angeles Audubon Society; Morro Coast Audubon Society; Mount Shasta Audubon Society; Napa-Solano Audubon Society; Pasadena Audubon Society; Redbud Audubon Society; Riverlands Council; Santa Barbara Audubon Society; Santa Clara Valley Audubon Society; Sequoia Audubon Society; Stockton Audubon Society; Whittier Audubon Society; Kerncrest Audubon Society; San Joaquin Institue of Evironmental ACTION; Ecology Center of Southern California; Kern-Kaweah Chapter of the Sierra Club Conservation Committee;...

(3)

Testimony of Robert A. Barnes on behalf of S. 7...July 23, 1987...

Today's testimony will be a summary of material offered as addendum. The addendum includes comprehensive material to be used as reference material by the Subcommittee Staff or any individual who is concerned with the areas discussed. I will add to the addendum as materials become available in the future.

As to my qualifications: I have been voluntary President of the Tulare County Audubon Society; voluntary President of the California Wilderness Coalition (an organization made up of a coalition of over 85 diverse groups from throughout California); voluntary organizer of the October, 1985, California Wilderness Conference; and currently serve on the Board of Directors of the California Wilderness Coalition. During the last ten years I have ranged statewide presenting programs on the wildland heritage of the southern Sierra Nevada and South Fork Kern River watershed. I have conducted field trips for individuals and organizations into this incredibly diverse region during the last ten years (as recently as June 27th-29th of this year). The National Audubon Society, a nationally respected organization has consistently recognized the supreme biological values of the South Fork Kern River watershed and has lent considerable time to helping me in my efforts on behalf of the South Fork Kern River watershed. I have conducted numerous trips into the region to gather data on the distribution of bird species for the Checklist of Birds of Tulare County and Bird Checklist for the Kern River Preserve (The Nature Conservancy) and South Fork Kern River Valley, Kern County, California, both of which I prepared. I have conducted bird surveys for The Nature Conservancy. I have utilzed the area for purely recreational purposes such as hiking, photography, picnicking, auto touring, camping, aviation, and snow play.

I assume that is for these and other reasons that I was given permission by the aforementioned organizations to speak on behalf of S. 7 and the southern Sierra Nevada and South Fork Kern River watershed wilderness proposals in particular.

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When our great country was first settled by European peoples, a vast, unspoiled, untapped wilderness of nearly 2½ billion acres offered itself to those who chose to utilize it. Through the utilization and development of the wilderness a very good life has evolved in America that we all cherish and desire to hold. But, now we find that the once vast wilderness has been reduced to about 10% of its former size and the idea of management of the finite land available to us has begun to hit us with full force.

The option of utilization of a vast and "unlimited" wilderness has now vanished. We must decide what options are offered by the precious and limited wilderness remaining and decide how much of our remaining wilderness should be legislatively maintained by Congress.

The issue of wilderness is of particular interest to residents of California and the southern Sierra Nevada because we are blessed with some of America's few remaining wilderenss acres. The California Desert, including the areas found in the southern Sierra Nevada and South Fork Kern River watershed, still contains significant acreages that retain wilderness character. The wilderness heritage left can be maintained, in part, by the passage of Senator Alan Cranston's S. 7, the California Desert Protection Act currently before this Subcommittee.

Testimony of Robert A. Barnes on behalf of S. 7...July 23, 1987...

Why should we maintain our remaining wilderness acreage? Why should we support legislative protection for a portion of the California Desert?

Most of us know of the many traditional arguments favoring wilderness maintenance: protection of watershed; recreation, such as hiking, picnicking, camping, rock climbing, rock hounding, nature study, photography, horseback riding, hunting, and the opportunity for solitude and renewal; protection of wildlife resources, such as fisheries, deer herds, and non-game wildlife and plants; and the fact that there is so little left that it should be maintained for its own sake, let alone the tremendous real and potential benefit to our citizenry.

But, another and, perhaps, more important set of options offered by wilderness should be thoughfully and thoroughly considered. This set of options revolves around the importance of maintaing our natural diversity (genetic diversity) with all its present and potential benefits to us.

How often have we heard that such and such a place is being preserved to protect "just" a plant, or lizard, or tree? How often have we heard a person say "What's more important people or birds?" which assumes erroneously that protecting biological diversity is detrimental to maintaining a quality human existence. Yet, consider the following. In Africa a scientist is conducting cancer research using a chemical from a rare flower that is only found in a national park. In Brazil a species of tree was recently found that yields 15 to 20 gallons of fuel oil a year. In our world's rain forests many modern medicines have been derived from the biological diversity of the plants and their medicinal properties. In the California Desert pure research takes place that leads toward real and potential benefits to humans.

When we maintain our natural systems and their associated natural (genetic) diverity we are not just talking about a "bunch of animal and nature freaks, posey pickers, elitist backpackers", and the like trying to "lock up" the desert and "lock out" the American Public; we are not talking about the "environmentalist/special interest groups" trying to "get" a portion of the desert "just for themselves"; we *are* talking about maintaining, protecting, and, perhaps, enhancing the all encompassing, *human interest* options in medicine, agriculture, energy, and other benefits for all citizens. Wilderness offers the best protection for these options. Wilderness offers the greatest insurance against the destruction of a plant or animal that may have a greater benefit to our human species than is currently known. Senator Alan Cranston's S. 7, the California Desert Protection Act, if passed, will go a monumentally significant way toward preserving the natural diversity of the California Desert and its realized and, as yet, unrealized benefits. S. 7 deserves the full support of this Subcommittee, the Congress and Adminstration, the citizens of California, and the citizens of the United States. Once again, thank you to Senator Cranston for his foresight.

The plant and animal diversity of the southern Sierra Nevada and South Fork Kern River is unsurpassed in California. Five major vegetative ecoregions of America come together in the watershed of the South Fork Kern River. As a result, over 1200 plant species and an impressive number of animal species are found in a relatively small area above 6,000 feet! Over 500 plant species have been inventoried from the Pinyon Pine Zone on up in the Owens Peak Wilderness proposal alone. That is nearly one-tenth of Caliofrnia's entire floral diversity!

And the inventory is not finished. One might say that the surface has just been scratched. In recent years (since 1977) at least 3 plants *new to science* and at least one probable salamander species *new to science* have been discovered either in the lands of the Owens Peak Wilderness proposal or Kiavah Wilderness proposal! What other plants or animals have yet to be discovered on and in the lands to be protected and maintained with the passage of S. 7? What secrets do these plants and animals hold? What benefits to us do they contain? We will never know unless we maintain their existence and find out. S. 7, Senator Alan Cranston's California Desert Protection Act, offers the best protection for these options. We should not carelessly or thoughtlessly throw away the options.

California is blessed by magnificent resources including some of America's finest agricultural land such as is found in my home Tulare County; and some of America's finest remaining wilderness and park lands in the California Desert including the southern Sierra Nevada desert mountains and South Fork Kern River watershed. These magnificent resources should be maintained and respected for the present and long term benefit of California residents and the rest of the Nation's citizenry. The enactment of S. 7, the California Desert Protection Act, into law is a vital key toward the above-mentioned ends. I urge the Subcommittee to report out S. 7 in its entirety as a thoughtful action on behalf of the "human interest group". I hope you will find the information provided by me to be informative and helpful in making necessary decisions affecting the future of the California Desert.

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Now we move to those areas found within the watershed of the South Fork of the Kern River (c. 630,000 acres) and adjacent lands extending eastward to the Los Angeles Aqueduct which have tremendous statewide support. Why?

The unique watershed of the South Fork Kern River contains or is represented by five major ecoregions of North America. This happens no place else in the United States in such a small geographic area. We have an opportunity to maintain the amazing diversity of this area through actions such as the passage of S. 7 into law. The ecoregions of the United States (R.G. Bailey, Forest Service, 1976, RARE II, MAP B) represented are: California Grassland Province - 2610 (cottonwood/willow forest along the lower South Fork Kern River); Sierran Forest Province - M2610 (Sierra Crest forests...i.e. Owens Peak); California Chaparral Province - M2620 (plant associations in Owens Peak and Kiavah Wilderness proposals); Intermountain Sagebrush Province - 3130 (Great Basin plant associations including extensive Pinyon Pine forests in all seven S. 7 Wilderness proposals in the South Fork Kern River watershed region); and the American Desert Province - 3220 (Mojave Desert plant associations found along the east slopes of Sacatar Trail, Owens Peak, Kiavah, Frog Creek, Bright Star, and Domeland Additions Wilderness proposals, and the west slopes of the Owens Peak, Kiavah, and Frog Creek Wilderness proposals). In terms of recreational, educational, and research potential and reality, the areas included in the Cranston Bill (Bright Star, Chimney Peak, Domeland Additions, Frog Creek, Kiavah, Owens Peak, and Sacatar Trail) can not be overemphasized. For example, in the research field new species of salamander and several plant species new to science have and are being described. This is almost unheard of in 1987 California. The interest in the South Fork Kern River watershed is so great that an effort is being mounted to establish a major research facility in the watershed in the next ten years to allow scientists the incredibly close access to the five major vegetative ecoregions listed above.

Of course, the organizations I am representing today support all the provisions of S. 7, but mention should be made specifically of the areas in S. 7 that have been investigated and researched by members over the last decade...

Proposed Wilderness Areas:

Bright Star - 10,800 acres...South Fork Kern River watershed

Chimney Peak - 15,700 acres...South Fork Kern River watershed

Domeland Additions - 36,300 acres...South Fork Kern River watershed

Frog Creek - 10,400 acres...majority in South Fork Kern River watershed

Kiavah - 90,200 acres...c. ½ in South Fork Kern River watershed

Owens Peak - 78,200 acres...c. ½ in South Fork Kern River watershed

Sacatar Trail - 52,600 acres...large portion in South Fork Kern River watershed

Over the last several days (and years) I have contacted several BLM and USFS personnel, botanists, ornithologists, herpetologists, lepidopterists, and lay people. I have consulted publications. I have asked opinions. Following is a summary of what I have found. Details will be offered as addendum. I hope that what I offer is lucid, although the amount of information and consequent demands on my organizational and communicative ability is somewhat overwhelming.

Virtually all parties have commented or acknowledged the incredible biological diversity in the South Fork Kern Region. Several mentioned the blending of the five major vegetative ecoregions. There are snakes, lizards, birds, plants, and butterflies represented at the extremes of their ranges, occurring as disjunct populations from other occurrences often 100 or more miles away, species endemic to the area, unusual assemblages of plants and/or animals occurring together sometimes on the same slope and nowhere else in such a manner, species being found new to science with basic inventory work still to be done (!), important riparian corridors along the Sierra east slope canyons, several candidate species for Federal listing under the Endangered Species Act, creosote rings in the southeastern portion of the proposed Owens Peak Wilderness, and to use a phrase from the "King and I"...etcetera, etcetera, etcetera!!!!

Botanical expeditions to the proposed Owens Peak Wilderness has already turned up over 500 species including several candidate species for Federal listing under the authority of the Endangered Species Act, six sensitive plants endemic to the southern Sierra, one species new to science found on Morris Peak (and in a location in the proposed Kiavah Wilderness), one species new to science found only on Spanish Needle, one plant new to science found only on Owens Peak, pockets of unique mixed conifer assemblages, and plant populations disjunct from as far away as the San Bernardino Mountains far to the south and the Providence and New York Mountains far to the east. In addition, there occurs an extensive Kern Joshua Tree forest and the creosote bush association on the lower slopes of the proposal. The 500 plus plant species mentioned above represents 1 out of every 10 plant species known to occur in the entire state of California! Yet, a majority of the Owens Peak Wilderness proposal acreage has not even been surveyed, the 500 species includes only the acreage from the Pinyon/Juniper association on up, and the area has not been explored during all appropriate times of the year even in those areas that have been surveyed! Finally, the 500 species does not include those plants found exclusively in the Kern Joshua or creosote associations! By the time the entire Owens Peak Wilderness proposal acreage is surveyed and catalogued there may be a flora of between 700 and 1000 species! Absolutely incredible!!!!! The botanist who has headed up the most extensive surveys of the region says that the southern Sierra Nevada has the highest plant diversity per acre in the state of California (The Trinity Alps region of Northern California is second)! Short Canyon drainage on the east slope of Owens Peak west of the LA Aqueduct has a known flora of 280 species. Riparian corridors found on the east slopes of the proposed Owens Peak Wilderness are in limited supply and are being impacted by trespass grazing.

The proposed Kiavah Wilderness acreage has one plant species new to science (and on Morris Peak in the proposed Owens Peak Wilderness). The Pinyon Pine Forest covering the top of the Kiavah proposal is "one of the finest in California" if not the finest. The Single-Leafed Pinyon Pine Forest stretches virtually unbroken for 50,000 dense acreas. At Pinyon Meadow and Peak there is a fine stand of Jeffrey Pines: relict of a wetter past. The Kern Joshua Forest on both sides of Walker Pass (Kiavah and Owens Peak) is one of California's finest as is the California Juniper assemblage west of Bird Springs Pass. Archeological sites in the proposed Kiavah Wilderness are so numerous that the Pacific Crest Trail had to be rerouted. Motorcyclists were observed on or about Memorial Day weekend trespassing within ¼ mile of Robber's Roost,in the Kiavah proposal, during closure. Robber's Roost is a bird of prey nesting area closed during nesting season.

A "Habitat Evaluation of Historic Desert Bighorn Range in the Southern Sierra Nevada Mountains" by Bruce H. Garlinger (A project of the Kern River Wildlife Sanctuary - February, 1987) found the proposed Domelands Wilderness Additions to contained the best and appropriate habitat for reintroducing Desert Bighorn Sheep into Kern and Tulare Counties. "The data indicate that the area of greatest potential bighorn use lies within study area 1, the South Fork of the Kern River and the Chimney Creek drainages. Sufficient quantity of suitable habitat exists to sustain a reintroduced population of 20-30 bighorn, with adequate room for herd growth to 75-100 animals," p. 39.

Testimony of Robert A. Barnes on behalf of S. 7...July 23, 1987...

The Pacific Crest Trail (a hiking and horse trail stretching from the Mexican border to the Canadian border: the West's equivalent to the Appalachian Trail) passes through the Frog Creek, Kiavah, Owens Peak, Chimney Peak, and Domeland Additions Wilderness proposals. Passage of S. 7 would assure vital protection for the Pacific Crest Trail for many miles of its route through the region.

The Yellow-eared Pocket Mouse, a sensitive species, has been collected in the Walker Pass area.

Access into and around the seven proposed southern Sierra/desert Wilderness areas is excellent and helps form one compelling argument for Wilderness status. As has already been mentioned, the Pacific Crest Trail, open to foot and horse (mule, llama) traffic passes through five of the seven Wilderness proposals. A major trailhead and campground for the Pacific Crest Trail is located at Walker Pass. Roads separating the proposed Wilderness areas allow enjoyment of the wilderness character of all the areas by virtually all citizens. There are magnificent vistas from the roadways, particularly at Walker Pass, that allow the motorist a wilderness view without negatively impacting the wilderness resource. There is a campground at Chimney Creek on the edge of the proposed Owens Peak Wilderness, a campground at Long Valley on the edge of the proposed Domelands Additions, and a campground at Kennedy Meadows near the proposed Sacatar Trail, Owens Peak, Chimney Peak, and Domelands Additions Wilderness proposals. In addition, there are several campgrounds in nearby Sequoia National Forest (Fish Creek, Troy Meadows, and the already mentioned Kennedy Meadows). Significant and beautiful representations of Pinyon Pines, Joshua Trees, California Juniper, Creosote Bush, and Cottonwood/Willow groves are available to the motoring public as well as the wilderness using public. Any arguments saying the diversity and magnificence of the area is being "locked up" for a few "elitists" are pure hogwash!

Testimony of Robert A. Barnes on behalf of S. 7...July 23, 1987...

It is very difficult to summarize the work of years on the part of those who wish to maintain the wilderness integrity of the southern Sierra desert mountain ranges in a few pages. The addendum provided to Subcommittee staff is intended to answer many questions which may have been raised, but not answered in the previous 12 pages of testimony. With the passage of Senator Alan Cranston's S. 7, the California Desert Protection Act, we have the opportunity to round out the Wilderness System in a meaningful way. We have the opportunity to designate three National Parks: Death Valley, Joshua Tree, and Mojave. We have the opportunity to provide the necessary protection of the California Desert. We have the opportunity to preserve and maintain one of the most diverse watersheds to be found in the United States in the South Fork of the Kern River. These opportunities should not be dismissed, overlooked, or carelessly discarded. Surely, these areas must be recognized officially in the Wilderness Preservation System, National Park System, and other methods outlined in S. 7, as they have over the eons: first by the Creator; second by the marvelous evolutionary process; and third by caring citizens; as gems of America to be cherished and respected in their wild and natural state of existence.

Thank you for the opportunity to testify before this Subcommittee. I wish you well in your decisions.

Sincerely,

Robert A. Barnes

Robert A. Barnes
P.O. Box 269
Porterville, California 93258

Senator **Bumpers**. I do not make promises to men at this point. [Laughter.]

Thank you, Mr. Barnes.

Mr. Burk.

STATEMENT OF PETER BURK, PRESIDENT, CITIZENS FOR MOJAVE NATIONAL PARK, BARSTOW, CA

Mr. **Burk**. My name is Peter Burk from Barstow. I am here to tell you why a national park is needed in the Mojave Desert. The East Mojave is a confluence of three major desert systems, Sonora, Mojave and Great Basin. These unique ecosystems are found nowhere else in the world. The East Mojave attracts more scientists, scholars and students than any other desert in the world.

Moreover, this is an exceptional area of cultural resources.

The East Mojave has been a major crossroads of human history for over 12,000 years. It has marvelous petroglyphs.

The Mojave Trail ruins of U.S. Army outposts, and the remnants of the Mojave Road traversed by Kit Carson and Jedidiah Smith.

All of this exists in an area of breathtaking beauty with 100-mile vistas, the cindercones national natural landmark, the world's largest Joshua tree forest, the Western Hemisphere's third highest sand dunes, the singing Kelso dunes, and Southern California's largest limestone caverns.

This area merits interpretation by the agency best qualified and most experienced, the National Park Service. The multitudes of natural and cultural resources of this area merit national park status.

All this is threatened, however. It is not being protected the way this outstanding area deserves. For instance, the cindercones national natural landmark is being mined and hauled away.

BLM has twice proposed reducing the boundary of the Mojave national scenic area. In 1985 BLM even tried to sell 500 acres of public land and our country's first national scenic area.

In the current bill, the BLM emphasizes uses by special interest in the proposed Mojave National Park. This outstanding area is reserved, protected and interpreted by the people for all future generations.

Mr. Chairman, I would like to spend the remaining part of my time giving you a quick tour of the proposed Mojave National Park. When you first come down to the pleistocene soda lake, and as we go down we will go back 20,000 or 30,000 years ago. There will be none of the works of man.

We will go to Seismic Springs, a health resort. We will see the Mojave chug, an endangered fish, and we will come over here to the cindercones national natural landmark. As we come down through here, we will look at Old Bad Mountain where the largest bighorn sheep herd is in the whole California Desert. We look to the National Park Service to protect the sheep for us.

We will come down to Kelso Depot. This is an old train depot which we will hope you will make the National Park Headquarters.

We will go down to the Granite Mountains, where the Granite Mountains Research Center is, which is just a fascinating area to watch.

We will come back up here to the Providence Mountain, the Mitchell Caverns, the Limestone Caverns. Then we will come along the Mojave Road. The U.S. Army built this in 1859.

There is Fort Flaggon and Marl Springs and some of the old forts around here.

Finally, Mr. Chairman, we will go up to Clark Mountain after we see the dinosaur trackway. This is the only evidence of dinosaurs in the California Desert.

Finally we will go up to Clark Mountain, where we have an 8,000 mountain peak, the highest peak in the Mojave Desert with a little white snow on top.

Thank you.

[The prepared statement of Mr. Burk follows:]

STATEMENT OF PETER BURK

ON BEHALF OF

CITIZENS FOR MOJAVE NATIONAL PARK

BEFORE THE US SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

HONORABLE SENATOR DALE BUMPERS, CHAIRMAN

WASHINGTON D.C., JULY 23, 1987

The Citizens For Mojave National Park was formed in Barstow, California on July 4, 1976 as a Bi-Centennial project. We were concerned that the Bureau of Land Management (BLM) was unwilling and unable to protect the Mojave Desert's incredible natural and cultural values. In 1976, we often referred to the BLM as the "Bureau of Livestock & Mining." We support the passage of the California Desert Protection Act of 1987 (S7).

Many of us desert dwellers are outraged by the Barstow-Las Vegas motorcycle race. When BLM outlawed the race in 1975, the motorcyclists said to BLM, "If you don't grant us a permit, we'll just race anyway." And so they did. The motorcyclists held illegal Barstow-Vegas races from 1975 to 1982. In the 1978 B-V illegal race, BLM had a court order to stop the illegal race and stop the illegal racers. The motorcyclists countered by saying, "Shoot the BLM rangers in the knees." BLM capitulated to the illegal racers and have been capitulating ever since. In 1978 Mojave Desert residents lost respect for BLM professionalism or committment to resouce protection and the situation has deteriorated. Only the National Park Service can save the outstanding natural and cultural resources of the East Mojave.

BLM falsely brags about what a good job it has done in the East Mojave National Scenic Area (EMNSA), the area of the proposed Mojave National Park. Twice BLM has proposed to reduce the size of EMNSA (1982 and 1985). Concerned citizens have prevented much of the proposed reductions. In 1985, BLM even proposed to sell off part of the National Scenic Area. Citizen reaction prevented BLM from selling 500 EMNSA acres. The public does not trust BLM as a steward of its fabulous public lands in the East Mojave. However, the public does trust the National Park Service (NPS).

The public trusts NPS because national parks are safe places to bring your family. There is a sense of psychological security. You know your family won't be intimidated or shot at, like they might at BLM's Afton Canyon campground. National Parks interpret natural and cultural wonders. Interpretation is a major NPS service. And the NPS protects resources through people management. The NPS doesn't tolerate vandals or destruction of public lands. BLM pretends to be involved in resource management, rather than people management, and in the end, does neither.

A 1.5 million acre Mojave National Park would have over 300 species of animals and 700 species of plants. Some of the magnificent attractions include the Western Hemisphere's third highest sand dunes, the Kelso Dunes; the world's largest Joshua Tree forest at Cima Dome; mountain vistas of jagged peaks including Clark Mountain, at 7,929', the highest peak in the Mojave Desert; 32 Cinder Cones in the Cinder Cones National Natural Landmark; ruins of Army outposts along the Mojave Road, several petroglyph sites, Mitchell Caverns--the largest limestone caverns in Southern California and Zzyzx Springs with its historic health spa and endangered Mojave Chub fish. This Desert Gem has so many special values, that it merits the highest protection our country offers--National Park status.

86% of the proposed park's acreage is already administered by BLM. Some 4% is state owned land, about 6% is Southern Pacific land (SP wants to trade out or sell all its EMNSA land to the federal government) and some 4% is other private land.

The 1.5 million acres of the East Mojave National Scenic Area, the Gem of the California Desert, is of park quality. We have brought many national environmental leaders out to the East Mojave in the last eleven years and they have assessed the natural and cultural treasures as being of national park quality. In 1979 a BLM report to the Park Service concludes that "cultural and natural resource values of the East Mojave Study Area are so diverse and outstanding that the area readily qualifies for National Park or Monument status." In 1987, after reviewing the Mojave National Park proposal, the Western Regional Office of the NPS found that the area met the required criteria specified in NPS management policies, and recommended that the area would be a worthy and valuable addition to the National Park System.

The Mojave National Park proposal has a long legislative history. Congressman George Brown introduced the first two Mojave National Park bills; HR 13282 in 1978, and HR 4461 in 1979. Because of these two bills, BLM created the 1.5 million acre East Mojave National Scenic Area, (EMNSA) our country's first National Scenic Area, in 1980 as a compromise. We worked with BLM to try to make EMNSA work. But in the 1982 plan amendments, BLM began its first reduction of EMNSA, it proposed to reduce EMNSA by 141,040 acres, or exclude the northern 10% of EMNSA. Also, BLM reinstated the nefarious Barstow-Vegas motorcycle race. We begged BLM to re-route the race outside EMNSA, something they could have done. We again appealed to Congress to help save the Mojave Desert. In 1986 Senator Cranston introduced S2061 which included the Mojave National Park proposal. In 1987, he reintroduced an almost identical bill, S7. Also Congressman Mel Levine's HR 371 and Congressman Rick Lehman's HR 361 include the Mojave National Park proposal.

There have been six bills introduced into Congress for the 1.5 million acre Mojave National Park proposal. A Mojave National Park is the only thing that will save the Gem of the California Desert from continued deliberate BLM multiple-use/multiple-abuse, deliberate mutilation by ORVs, speculative mining, overgrazing, target shooting and unnecessary development.

In response to these legislative pressures, this June BLM issued its draft EMNSA Management Plan . This EA plans to take several long due positive environmental steps (such as elimination of ATVs from EMNSA, withdrawal of 100,000 acres from mining, changing 120,000 acres from Class M to Class L, and acquiring 144,000 acres of private and state lands). But the proposed plan does not nearly go far enough. The public would continue to lose public resources. The plan would do nothing to eliminate or reduce cattle grazing. Even though 98% of America's beef is grown on private land, somehow taxpayers are still subsidizing cattle grazing on public lands. There should be no cattle grazing on public land in the East Mojave. BLM still does not discriminate between commercial and speculative mining. The whole 1.5 million acres should be withdrawn from mineral entry. The 3 active commercial mines that exist within EMNSA could continue under national park management. The public still cringes when it remembers BLM's mining policy with the Soda Lake Goldmine scam of 1982-1983. This was a dredge on a dry lake which promoted a tax shelter and BLM did nothing to stop it. BLM's draft plan would continue to allow mining of sand and gravel and cinders. These common minerals should not be mined in the East Mojave at all. BLM still allows cinder mining in and around the CinderCones National Natural Landmark. There are many other places to get common minerals.

BLM still proposes a contingent utility corridor--Corridor W (through Cima Dome and the Devil's Playground). Cima Dome Joshua Tree Forest is the world's largest and densest joshua tree forest. BLM encourages target shooting in EMNSA and plans to restrict it only in a few small areas. Target shooting should be eliminated from the East Mojave. Visitors are not safe from the "war zone" atmosphere of irresponsible target shooters. Why should people who enjoy Nature be shot at? BLM still proposes not only to allow wood gathering in the Gem of the California Desert, but it also sells one cord of pinyon or juniper wood for permits at the cost of $10 per cord per year. This is unbeliveble. It takes decades for these desert forest trees to grow; BLM sells our desert forests for a mess of pottage.

BLM's plan does not even mention the word enforcement. BLM is inexperienced and afraid of people management--that is a major reason a Mojave National Park is needed. The Park Service has expertise in people management.

BLM's favored constituency is made up of miners, grazers and ORVers. Most everyone else is left out. In EMNSA, BLM has been unable to say "no" to speculative miners, prospectors, entrenched and absentee grazing interests, destructive cross country ORVers, target shooters, archeological vandals, irresponsible hunters, and some developers. BLM's proposed alternative in its plan will do almost nothing to prevent these ruinous behaviors that have degraded so much of the Mojave Desert.

In recent years, the Mojave Desert has been invaded by galloping urbanization. The East Mojave is the best remaining near-pristine region, unpopulated (less than 100 people live in these 1.5 million acres) area left in the Mojave Desert. A Mojave National Park is the only way to show ourselves in ten years and future generations what the natural values of the Mojave Desert once were. A Mojave National Park would be a living museum dedicated to study, re-creation, peace of mind, leisure, nature study, photography, family outings, interpretation, and posterity.

The centerpiece of the California Desert Protection Act bill is the 1.5 million acre Mojave National Park. We in San Bernardino County feel proud that Congress is helping to protect our quality of life. San Bernardino and Riverside counties are the two fastest growing counties in California. National Parks will ensure that we have some near-pristine lands to recreate in as the mad onrush of millions of people enter the region.

Why doesn't San Bernardino County have any national parks? We are the largest county in the lower 48 states and the fifth most populous county in California. 77% of our county's land is federal land. We have some of the most scenic and beautiful lands in the country in our mountains and deserts. Yet there is not one national park in San Bernardino County.

San Bernardino County ranks fifth in population in the state, yet eleventh in tourism jobs and tourism income. The tourism picture in San Bernardino County is quite simple--tourists zip through San Bernardino County on their way to spend their tourist dollars elsewhere. San Bernardino County is a tourist's impediment. There are few tourist destinations in our county. An overnight stop is essential for tourism to flourish. National Parks are the major tourism destination in America.

The California Desert Protection Act of 1987 is very carefully drawn. It protects all active commercial mines. One who fails to grasp this point just hasn't read the bill. The bill ensures vehicular access.

The bill affects 11 cattle grazing leases in San Bernardino County. If the bill passed today, only one local legal rancher would be seriously hurt by this legislation. Two of these leasees live outside the region, one lives in Idaho. One of the ranches is illegally on BLM land. All but one of the other leasees have most of their allotments outside of the proposed national park. There is only one local legal rancher who makes his living chiefly from ranching; the others all have other income and ranching is just a hobby. 98% of America's beef comes from private land; to curtail these eleven leasees would have no impact on the beef supply.

To oppose the California Desert Protection Act on the "economic" basis of mining or grazing is not credible. BLM has failed to protect our desert's natural and cultural resources; they just sit back and we all watch the desert disappear. The name of this show is, "The Vanishing Desert."

However, we have pulled the plug on this horror flick. This horror show has been replaced with the California Desert Protection Act--an oscar nominee.

In July 1987 my family visited Great Basin National Park in Nevada. It is our 49th and newest National Park. The park superintendent told us that tourism for the region is up 71% from last year and that their projected tourism figures for 1987 have been revised from 50,000 to 100,000 visitor use days. Great Basin National Park expects double the tourism than they projected in their first year of existence.

The Citizens For Mojave National Park has been working for eleven years, since July 4, 1976, on our Bi-Centennial project to create a Mojave National Park. This dream has captured the imagination of urban California.

Please help us make Mojave National Park our country's 50th national park. Within a year or two, San Bernardino County will finally be on the tourism map. And the tourist jobs it will provide for our nineteenth century prospectors and cowboys will be greatly welcomed. That's what happened in Alaska, Utah, and Nevada. A Mojave National Park in California's Mojave Desert is the only way to save what's left of this remarkable wonderland, the Gem of the California Desert.

Senator **Bumpers**. Thank you, Mr. Burk.

We had one of your city councilmen from Barstow testify Tuesday, and when he finds out you are for this, he is going to make life miserable for you.

Mr. **Burk**. He also has found out that a lot of people in Barstow support this smart proposal, Mr. Chairman.

Senator **Bumpers**. Mr. Edmiston.

STATEMENT OF TASKER L. EDMISTON, MONTEREY PARK, CA, ACCOMPANIED BY BEULA EDMISTON, PRESIDENT, FRIENDS OF THE WILDLIFE

Mr. **Edmiston**. My name is Tasker Edmiston, and my home is in Monterey Park, California. I am going to speak on the sanctuary for the desert lily, and I wonder, Mr. Chairman——

Senator **Bumpers**. The sanctuary for what?

Mr. **Edmiston**. The desert lily. I have a hard time getting that out.

I wonder, Mr. Chairman, if I could have your permission at this time to have this photograph reviewed by you and other members.

Senator **Bumpers**. Certainly. We can have a staffer pick that up and bring it up here for us.

You are elected as a staffer. [Laughter.]

Senator **Bumpers**. Go ahead, Mr. Edmiston.

Mr. **Edmiston**. The lily shown in this photograph can speak without being heard. Thirty years ago the lily sanctuary was my dream, and I have been on the area 26 out of the 30 years. The history of the sanctuary is a matter of record, and I will not go into it now.

When spring fades into summer, everything except the creosote will die. The temperature will rise to well above the 100 degree mark and may even exceed 120 degrees. The relative humidity will be less than 10 percent. The lily bulbs will be secure about a foot below the surface and will remain dormant until the next heavy rain. It may be one year; it may be more.

The jojoba plant is now being grown south of the sanctuary, and the jojoba growers have increased their acreage right to the sanctuary fence.

The University of California is raising jojoba in Riverside on their experimental ground. It can be grown most anywhere. The desert lily cannot. With a thriving jojoba acreage on one side of the fence and a desolate looking lily sanctuary on the other side of the fence, it is easy to conclude what might happen.

The desert lily sanctuary was established in two units by two Secretaries of the Interior. It only takes one Secretary to abolish it. I do not want this to happen. I do not think you want this to happen. Passage of this bill will insure that it cannot happen.

Thank you very much.

[The prepared statement of Mr. and Mrs. Edmiston follow:]

Tasker L. Edmiston
814 W. Markland Dr.
Monterey Park, CA. 91754

Statement of Tasker L. Edmiston on S. 7, July 23, 1987 before Subcommittee on Public Lands, Energy & Natural Resources Committee

Mr. Chairman:

My name is Tasker L. Edmiston and I live in Monterey Park, California, which is just east of Los Angeles.

I am here today to speak for myself, and I will confine my remarks to that part of S. 7 which provides for a Sanctuary for the Desert Lily.

In 1967, Secretary of the Interior, Stewart L. Udall, through the Bureau of Land Management, established a Sanctuary of 960 acres for the Desert Lily. It was dedicated in 1968, and in 1972 it was enlarged by Secretary Rogers C.B. Morton to just under 2000 acres - about three square miles.

This bill will protect the Sanctuary by an Act of Congress. No change in management is indicated or necessary.

The Desert Lily Sanctuary is located about seven and one-half miles northeast of Desert Center on the road to Parker Dam on the Colorado River. Desert Center is half way between the town of Blythe on the Colorado River and the town of Indio in the Coachella Valley, and is about eighty miles east of Palm Springs, California.

It lies south of the Coxcomb Mountains at the north end of the Chuckwalla Valley, and east of the Eagle Mountains on the west side of the valley. Elevation is about 1000 feet.

Because of its relation to the two mountain ranges, it receives flood waters from the two mountain ranges over and above that which falls directly on the land. This is the key to why lilies grew in such profusion in the area. Sand areas in the desert not subject to flooding are not likely to contain desert lilies.

more

S. 7 - Re: Desert Lily, page 2

I first saw this area in 1957, and it was my dream that this desert lily area should in some way be protected. My wife and I worked for ten years to bring this about.

The area of the Sanctuary had been homesteaded in the early part of the century and later abandoned because no water could be found with the drilling equipment then at hand. It is evident that the Sanctuary area had been cultivated at some time, and a high percentage of the lily bulbs had been destroyed. However, since the lily bulbs lie from 8 - 12 inches below the surface, enough bulbs remained to regenerate the area.

Judging from the intensity of the lilies south of the Sanctuary area, it is evident that the ground there had not been disturbed.

Dr. Ernest Tinkham of Indio, California, a PhD. in the biological sciences, first saw this area in 1956, and in an article which he wrote for Golden Gardens, which is a publication of the California Garden Clubs, describes this area as having a density of two to four lilies per square yard. It was several years later that I first met Dr. Tinkham.

The vast lily area we both saw independently in the years 1956 - 1959, is now gone forever. Only the lilies in the Sanctuary remain in this immediate area.

A change in the homestead law in 1956 again allowed homesteading in the area south of the Sanctuary and it was taken over by agricultural interests.

Several crops were tried, but nothing seemed to work until the jojoba plant was introduced. New and deeper wells were drilled and the jojoba industry has thrived. It has now been pushed right to the fence on the southern edge of the Lily Sanctuary.

more

In the late spring, the temperature in this area rises to the 100 degree mark, and in the summer time often to 118 degrees, and sometimes even in excess of 120 degrees. In the Sanctuary everything but the creosote dies and the Sanctuary becomes a stretch of barren desert, and at this time the Desert Lily Sanctuary could become a target for exploitation.

We believe the pressure put on the B.L.M. to reopen this area to agriculture will become so great the B.L.M. will not resist it, and the last remnant of what was once a vast lily area. will be lost forever. On the other hand, jojoba can be cultivated wherever water is available. The University of California is raising it on its experimental ground in Riverside.

It is important to note how the weather pattern affects the Sanctuary area. Most storms which bring rain and wind to this area originate in the southeast and are funneled through the gulf of California. Rainfall in this part of the desert is very light. To effect the Lily Sanctuary, rain must come in the late fall and early winter. Since the lily bulbs lie well beneath the surface, only storms of sufficient magnitude to produce flooding will have much effect on the spring lily bloom. Light rains will only bring up verbena and evening primrose.

In any ten year period, there could be three good years, four fair years, and three years when there is absolutely nothing. If the three dry years should occur consecutively, the result could be disastrous to the integrity of the Sanctuary.

I will conclude by saying that if the Desert Lily Sanctuary should at some time be dissolved, one of the great gems of the desert will be lost.

more

Because of its geographical location, the area has evolved over ages beyond count to build the enormous sand layer so necessary for the desert lily. This area is the one and only of its kind!

My authority for that statement is the late Dr. Edmund C. Jaeger of Riverside, California, who was for thirty years the Professor of Biological Sciences at Riverside City College, and author of several books on the desert; and Dr. Ernest Tinkham of Indio, California who was also an educator and desert naturalist.

For inclusion in the Record, I have attached a copy of the statement of the B.L.M. mining engineer made prior to the time the Desert Lily Sanctuary was established.

Sincerely,

Tasker L. Edmiston

Tasker L. Edmiston

UNITED STATES GOVERNMENT
Memorandum

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
District and Land Office
1414 8th St., Box 723
Riverside, California 92502

IN REPLY REFER TO:
Desert Lilies
Area
Proposed
Protective
Withdrawal
2321.63 (SED)

DATE: June 20, 1966

TO : Manager, Riverside District and Land Office

FROM : Michael E. Ryman, Mining Engineer

SUBJECT: Mineral Investigation, Proposed Protective
Withdrawal - Desert Lilies Area.

Lands Involved: SE¼ section 28; SE¼NW¼, S½NE¼, S½ section 27; SW¼NW¼, W½SW¼ section 26; N½NE¼ section 33; N½N½ section 34, T. 4 S., R. 16 E., SBM., Riverside County, California (see attached map).

After periods of rain, these lands support growth of desert lilies along sandy washes. Their occurrence is relatively rare and conservation groups advocate preservation of the area in its natural state.

The lands are overlain by alluvial sands and gravels derived from Paleozoic metamorphased volcanics and sediments of southern portion of Coxcomb Mountains, about two miles north. The material is rather typical desert alluvial widespread through the area, and has no mineral potential other than sand and gravel for various construction uses. The deposits are sufficiently abundant that any future material needs could be met from nearby areas. No mining activity is known on these lands and no references to possible mineral value were found in mining literature. The lands are nonmineral in character.

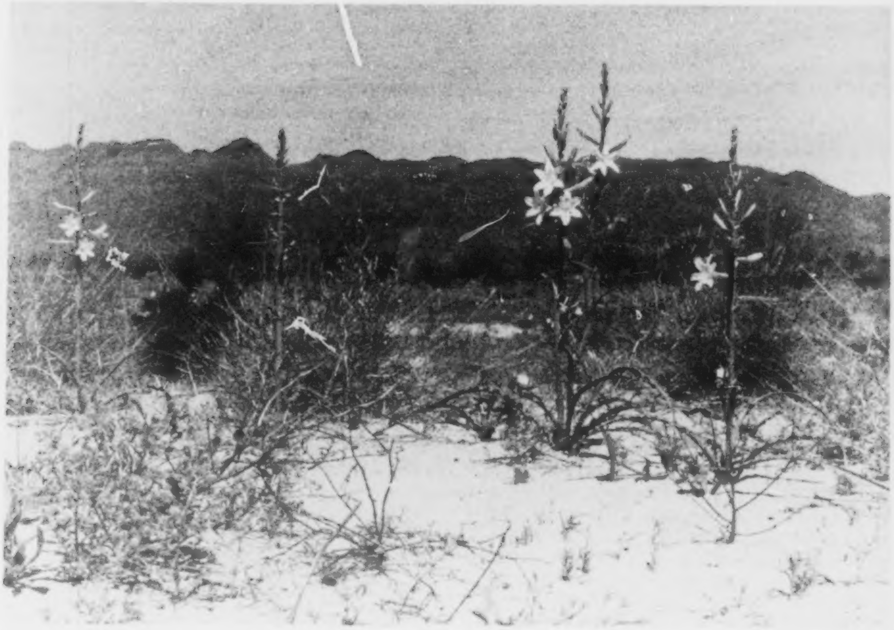
Protective withdrawal would be needed to protect this area from any use or disposal which would affect the land surface. Mining claim location and assessment work would tend to injure the land surface. Mining locations are often made on lands for reasons other than mineral development. Any action to halt surface damage caused by discovery and assessment work can begin only when mineral contests succeed, often a delay of one to two years.

Michael E. Ryman

Enclosure

APPROVED: Hall H. McClain
Manager

MRyman:6/6/66:hbw



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7-23-87

Testimony of Tasker L. Edmiston - 57

Mr. Chairman; members of the Committee. My name is Tasker Edmiston and my home is in Monterey Park, California.

At this point Mr. Chairman I would like to have your permission to have Senator Cranston show this photograph to the Committee members.

I am going to speak on the Desert Lily Sanctuary. The lilies shown in this photograph can speak without being heard.

Thirty years ago the Lily Sanctuary was my dream and I have been to the area 26 out of the last 30 years. The history of the Sanctuary is a matter of record and I will not go into it now.

When Spring fades into summer everything except the Creosote will dry up. The temperature will rise to well above the 100 degree mark and may even exceed 120 degrees. The relative humidity will be less than 10 percent.

The lily bulbs will be stored about a foot below the surface and will remain dormant until the next heavy rain. It may be one year it may be more.

(Over Please)

Managed by D.B. Hotel Corporation
Dallas, Texas

The Jojoba plant is now being grown south of the Sanctuary and the Jojoba growers have increased their acreage right to the Sanctuary fence.

The University of California is raising Jojoba in Riverside on their experimental grounds. It can be grown most anywhere. The Desert Lily Cannot.

With a thriving Jojoba acreage on one side of the fence and a desolate looking Lily Sanctuary on the other side it is easy to Conclude what might happen.

The desert Lily Sanctuary was established in two units by two Secretaries of the Interior. It only takes one Secretary to abolish it.

I dont want that to happen. I am sure you dont want that to happen. Passage of this bill will insure that it Cannot happen.

Thank you Very much

FRIENDS OF WILDLIFE
814 West Markland Drive • Monterey Park, California 91754

In Support of S. 7 - (Cranston)

THE CALIFORNIA DESERT PROTECTION ACT
by
Beula Edmiston, President

FRIENDS OF WILDLIFE

Mr. Chairman and Members of the Subcommittee on Public Lands:

I am Beula Edmiston, President of FRIENDS OF WILDLIFE, 814 West Markland Drive, Monterey Park, California 91754.

FRIENDS OF WILDLIFE wholeheartedly supports S. 7 - Senator Alan Cranston's CALIFORNIA DESERT PROTECTION ACT.

The desert has been a place to refresh man's spirit throughout recorded time, but it is a fragile resource that scars easily and heals slowly.

Spectacular California desert areas need help, and enactment of S. 7 would provide it!

Both Death Valley and Joshua Tree National Monument areas qualify for enlargement and National Park status, as provided for in S. 7, and they need the enhanced budget that National Park status would provide so as to better protect and interpret them to the public.

The proposed Mojave National Park is comprised of many kinds of desert landscapes, significant geological formations, and diverse desert plants and animals. It qualifies for National Park status, and needs it very much!

-more-

2. In support of S. 7, continued .... Friends of Wildlife

S. 7 - would give statutory protection to a number of fragile desert treasures - including the Desert Lily Sanctuary and Indian Canyons. In addition to their obvious purposes, these areas are also important to wildlife.

S. 7 - calls for 81 identified Wilderness Areas which will remain open to people, not vehicles, and will provide a much needed lifeline for many species of desert wildlife.

There are more than 760 species of wildlife in the California desert areas covered by S. 7. They include the endangered Mojave tui chub fish, the endangered Elf owl, the endangered Mojave fringe-toed lizard, and the majestic Desert bighorn sheep.

Through the ages of time, wildlife has adapted to the desert, but many species cannot survive the continued and increasing pressure of unrestrained overuse.

Wildlife desperately needs the protection that enactment of S. 7 will provide.

The preservation of wildlife and a natural environment is a common heritage, a public trust, to cherish for ourselves and for posterity.

Enactment of S. 7 which is now before you, will help fulfill that sacred obligation!

Senator BUMPERS. Thank you, Mr. Edmiston. That was a beautiful statement. Did you write that out in longhand?

Mr. EDMISTON. Yes.

Senator BUMPERS. I am sorry Betty Bumpers was not here to hear that. She is in charge of the Save Everything Committee but especially wildlife and wildlife habitat and flowers.

Mrs. EDMISTON. Mr. Chairman?

Senator BUMPERS. Yes.

Mrs. EDMISTON. I am Mrs. Edmiston. As President of Friends of Wildlife, I would like to suggest that Tasker would be happy to provide you with a copy of his full testimony. I know that time has run out, so I will take the liberty of passing our testimony to you.

Suffice it to say that the national parks will protect wildlife for the enjoyment of everyone. The 81 wilderness areas in this measure will protect the habitat but make that available to the consumptive as well as the nonconsumptive user.

Senator BUMPERS. Mrs. Edmiston, I am sorry we did not have time for you to testify, but I appreciate your comments. I have heard many great things about you and Mr. Edmiston both. Thank you for being here.

Mr. Hughes.

STATEMENT OF ELDEN HUGHES, CHAIR, ANGELES CHAPTER, SIERRA CLUB, WHITTIER, CA

Mr. HUGHES. I am Elden Hughes, Chair of the 48,000 member Angeles Chapter of the Sierra Club. The Angeles Chapter has 1,500 trained volunteer outings leaders and leads about 3,000 outings per year. We are recreational users of the desert. We do not consume it. Hopefully our presence leaves nothing more than a few names added to registers on remote but beautiful desert peaks, and the peaks are awesome.

They range from 14,246 foot White Mountain to 1,947 Picacho Peak, the ancient throat of a long dead volcano. In Angeles Chapter, we have the desert peak section, devoted solely to maintaining a list of the most worthy peaks, some 80 of them. No peak is worthy if it has a road at the top. Hikers want to reach the remote and enjoy the quiet and great vistas.

Hikers want to get to a trailhead and a far enough distance in to leave behind the sounds of civilization and mechanized travel. The California Desert Protection Act establishes and protects this balance between wilderness and access to wilderness.

The desert is not all peak climbs. For example, the appropriate means of travel in some parts of Death Valley is four wheel drive. Angeles Chapter has a back roads explorer group which regularly leads such outings. There is a distinction between offroad and four wheel drive. Offroad consumes and mars the land for those who come after. Four wheel drive on approved routes and roads can help protect the resource.

Angeles Chapter uses the desert in other ways. Each winter our mountaineer training committee brings 1,000 students and volunteer instructors to Joshua Tree National Monument, which we hope will be national park, to learn rock climbing. Joshua Tree is a premier winter rock climbing area in North America and really the northern hemisphere. Climbers come from all over the world.

We do car camping, easy hikes, reliving history outings and have even used Amtrak to bring us to the Kelso Depot in the middle of proposed Mojave National Park.

In the Providence Range there are 40 wild caves. The Cave of the Winding Stair requires a rappel down a rope for 120 feet to reach the bottom. The route out is back up that rope. We lead such outings.

Last spring I led an outing of about 30 folks down Piute Canyon in the Eastern Mojave. The group ranged in age from 20 to those in their late 70s. We hiked six miles. We saw and photographed a golden eagle and three bighorn sheep, a ram, a yearling and a pregnant ewe. We spent 20 minutes looking at each other without fear.

The recreation I describe is to recreate the spirit of the participants. So that our children and children's children may also have this experience, the desert needs protection. The desert needs S. 7. The desert needs the California Desert Protection Act.

Thank you.

[The prepared statement of Mr. Hughes follows:]

SIERRA CLUB — ANGELES CHAPTER
3550 WEST SIXTH STREET, SUITE 321, LOS ANGELES, CALIFORNIA 90020
(213) 387-4287

Testimony of Elden Hughes July 23, 1987

I am Elden Hughes. I am the Chair of and speak for the 48,000 member Angeles Chapter of the Sierra Club. The Sierra Club may be known in Washington D.C. for its environmental stands on issues. In Southern California we are equally well known for our outings. We have over 1500 trained outings leaders and run about 3000 outings per year.

We are recreational users of the Desert. We do not consume the Desert. Hopefully our presence leaves nothing more than a few names added to registers on remote but beautiful desert peaks.

And they are beautiful peaks. In the Angeles Chapter we have the Desert Peaks Section devoted solely to maintaining a list of the most "worthy" peaks, some 80 of them, and leading hikers and climbers to their summits.

At the north end of the California Desert are the very high peaks of White Mountain (14,246); the 13,000 foot peaks of Boundary, Montgomery, Dubois; the 11,000 foot peaks of the Inyos and Telescope Peak of the Panamints,

In the middle of the California Desert, in what we hope will be Mojave National Park, are the 7,000 foot peaks of Clark, New York, Mitchell and Providence.

South through Riverside, San Diego, and Imperial counties, the desert peaks are lower but no less "worthy". Rabbit Peak is 6640, Picacho Peak is 1947. Picacho, the ancient throat of a long dead volcano is the lowest, and as a class 6 climb, one of the most technical ascents.

No peak is "worthy" if it has a road to the top. Hikers want to reach the remote and enjoy the quiet and great vistas. We presently have a good balance between access and remoteness. Hikers want access to a trailhead and a far enough distance in to leave behind the sounds of civilization and mechanized travel. It is this balance that the California Desert Protection Act will protect and perpetuate.

The Desert is not all peak climbs. The appropriate means of travel from Death Valley National Monument to the Saline Valley (an area we hope will be added to Death Valley) is 4 wheel drive if one uses the unmaintained Lippincott Lead Mine Road. Even with 4 wheel drive, it is not for the timid. Angeles Chapter has an activity group, the Backroad Explorers, that regularly leads such outings. There is a distinction between offroad and 4 wheel drive. Offroad consumes and mars the land for those who come after. Four wheel drive on approved routes and roads can help protect the resource.

Angeles Chapter uses the Desert in other ways. Each winter, over a five week period, our Mountaineering Training Committee brings a thousand students and volunteer instructors to Joshua Tree National Monument to learn rock climbing and cross country route finding. Joshua Tree is the premier winter rock climbing area in the Northern Hemisphere. Climbers come from all over the world.

We do car camping, easy hikes, "reliving history" outings, and have even used Amtrak to bring us to the Kelso Depot in the middle of the proposed Mojave National Park where a bus met us and took us to explore the Kelso Dunes.

In the East Mojave in the Providence Range there are 40 wild caves in addition to the developed Mitchell Caverns State Park. The Cave of the Winding Stair requires a rappel down a rope for 120 feet to reach the bottom. The route out is back up that rope using special climbing equipment. Angeles Chapter leads such outings.

Last spring I led an outing of about 30 folk down Piute Canyon in the Eastern Mojave. The group ranged in age from those in their twenties to those in their late seventies. It was a gentle pace and covered six miles. It was our priviledge to see a golden eagle and see and photograph three big horn sheep--a ram, a yearling, and a pregnant ewe. We spent twenty minutes looking at each other -- without fear.

The Desert is a most special place. The recreation I describe is to recreate the spirit of the participants. So that our children and children's children may also have this experience, the Desert needs protection. The Desert needs S.7. The Desert needs the California Desert Protection Act.

Elden Hughes
Chair
Angeles Chapter
Sierra Club

Senator **Bumpers**. Thank you, Mr. Hughes.

Senator Cranston, do you have any questions of any members of this panel?

Senator **Cranston**. No, I have none, but I thank you all very much for your testimony.

Senator **Bumpers**. You are, of course, preaching to the saved when you talk to Senator Cranston and me. That is when we have no questions.

Thank you very much.

The sixth panel is Mr. Stanley Jessop, President of the Blythe Chamber of Commerce; Mr. Don Emde, Chairman of the American Coalition of Outdoor Recreation Publishers; Robert Rasor, Vice President Government Relations for the American Motorcyclist Association; I guess this is Vyola Ortner-Kubler, Agua Caliente Indian Tribe, Palm Springs; C. W. H. Solinsky, Resources Director of the California Chamber of Commerce; Dick Stout, President of the Federation of Metal Detector and Archeological Clubs, Inc., Frenchtown, New Jersey. I guess that is it.

Just a moment, Mr. Jessop, until everybody is seated and we get order here.

Mr. Jessop, please proceed.

STATEMENT OF STANLEY JESSOP, PRESIDENT, BLYTHE CHAMBER OF COMMERCE, BLYTHE, CA

Mr. **Jessop**. Mr. Chairman, I would like to thank you and the committee and the staff for the opportunity to speak in front of you today. I am Stanley Jessop, President of the Blythe Chamber of Commerce in Blythe, California. I have been asked by my board of directors to present not only their views but the views of the people and the businesspeople in town that are most directly affected by this legislation.

I will not read my whole testimony. I will just summarize it in the interest of time.

The desert has become a way of life to our residents with a history that dates back to the early settlement times. It has provided a lifestyle for many generations. It has been tamed in the sense that it has been settled, mined and turned into some of the most productive farmlands found anywhere in the world, producing agricultural products for domestic use and export worldwide. All that was needed was water, good old American ingenuity and the free enterprise system.

Our desert has provided a recreation area for the people of Southern California, Nevada and Arizona that is not to be found anywhere else in the world.

There are areas of the desert that do need our protection. Protection has been provided by the existing California Desert Conservation Area Plan that is administered by the BLM. This plan evolved as a result of input from all interested parties, the most important party being the population of Southern California. Numerous hearings were held, and everybody had a chance for their input.

The resulting plan that has been put into effect was a compromise worked out by all parties, including the various environmental groups. In places where needed, strict rules and limited access were written into this plan. The existing plan is working. If there are downfalls in this plan, they have been worked out among all parties involved.

The only problem that has evolved over several years of implementation is that of management and enforcement. There has never been enough funding made available to the BLM to properly staff and manage the area. In our area, we have one ranger to cover 1 million acres.

I moved to Southern California from Idaho, where beautiful areas of the country have been closed up in wilderness designation. The result has been that neither I nor my children have been able to hear or see those sites. Many people cannot afford to hire licensed guides and pack animals necessary to visit these areas. If you now close and lock up our desert areas of Southern California, future generations will never have the chance to experience what past generations have enjoyed.

If it is protection of the desert that concerns the authors of this legislation and the fact that there are abuses, it is my opinion that you enforce existing laws, not make new ones. If the highway patrol has too many motorists violating their laws, they hire more law enforcement officers. In this case, the answer seems to be let us close the highway, not enforce the rules.

When we received word that these hearings were scheduled, we took the question to not only the people of Blythe but the visitors who love our desert as well. For two weekends we polled the population with the following results. Ninety-five percent of the people polled were against the enactment of any more restrictions than we now have, and I carry to you their signatures on petitions that state, "The undersigned concerned citizens are opposed to the proposed legislation, Senate Bill 7, H.R. 371, titled California Desert Protection Act of 1987. We would further request that field hearings be heard in Southern California."

In two weekends we accumulated 6,400 signatures in a town of 7,700 people. This is not a partisan politics issue, as the signatures are from Democrats and Republicans alike. It is big brother flexing the muscle at the request of a few people who are at least involved.

I question that the testimony previously heard by this committee from the bit city Democrats such as the Councilman from L.A. and the Lieutenant Governor of California reflect the feelings of the people who live, work and play in the desert on a regular basis. All of the local government agencies and local irrigation districts included are opposed to this legislation.

If you are to carry these proceedings further, I urge you on behalf of the citizens of Blythe to hold field hearings in the areas affected and invite the committee to come out to the desert and see for yourselves what is involved in closing down our part of the world.

I understand, Senator Bumpers, that you have been there once. I would like you to come see us again; however, not in the summer. Come see us in January or February, and we would be glad to show you the area.

We do not want our desert closed down. I have these petitions with me. I understand that you cannot put 7,700 signatures in the record. I would like to leave them with you. I also have some letters to some of the Senators that are on the committee.

Thank you.

[The prepared statement of Mr. Jessop follows:]

TO: Senate Energy Commission
Room 308
Dirksen Senate Building
Washington, D.C. 20510

FROM: Stanley Jessop, President
Blythe Chamber of Commerce
201 South Broadway
Blythe, CA 92225

RE: Testimony in Opposition to Senate Bill 7,
California Desert Protection Act of 1987

I would like to thank this Committee and the staff for the opportunity to speak in front of you today. I am Stanley Jessop, president of the Chamber of Commerce of Blythe, California. I have been asked by my Board of Directors to present, not only their position, but our communities position on Senate Bill 7. I am not representing any special interest group, but rather the residents and business people that are affected the most by this piece of legislation.

Our community is located on the eastern border of the California Desert along the Colorado River separating California and Arizona. We are an isolated community separated by desert on all sides. Our closest neighbor is Indio, over 90 miles away. Our economy is based on agriculture and tourism, both of which will be affected greatly if this legislation is to pass.

I do not pretend to understand the reasoning behind S.7, however I realize the aftermath, if it were to pass would be devastating to the people and the economy of Southern California.

The desert has become a way of life to our residents with a history that dates back to the settlement times of the area. The desert has provided a life style for many generations. It has been tamed in a sense in that it has been settled, mined, and turned into some of the most productive farmlands found anywhere in the world, producing agricultural products for domestic use and export world wide. All that was needed was water and that good old American ingenuity and the free enterprise system.

Our desert has provided a recreation area for the people of Southern California, Nevada, and Arizona that is not to be found anywhere else in this world.

The desert has provided training grounds for our troops headed overseas with the end result that Patton's army was properly prepared for the North African deserts in World War II.

There are areas of the desert that do need our protection. Protection has been provided by the existing California Desert Conservation Area Plan that is administered by the Bureau of Land Management. This plan evolved as a result of input from all interested parties. The most important party being the population of Southern California. Numerous hearings were held and everybody had a chance for their input. The resulting plan that has been put into effect was a compromise worked out by all parties, including the various environmental groups. In places where needed, strict rules and limited access were written into this plan. The existing plan is working. If there are any downfalls in this plan, they have been worked out among all parties involved.

The only problem that has evolved over several years of implementation is that of management and enforcement. There has never been enough funding made available to the B.L.M. to staff enough positions to properly manage and enforce this plan. In our area we have one ranger to cover 1,000,000 acres. This is an impossible task, for just one person. If any improvements were needed it would be to fund the number of positions to allow the Bureau of Land Managment to properly implement, manage and enforce the existing plan. The worst thing that could happen would be to enact Senate Bill 7. Removal of widespread areas and acreage from public use and giving it wilderness designation is not the answer. S.7 locks up an unreasonable and excessive amount of acreage.

I moved to Southern California from Idaho where beautiful areas of the county have been closed up in a wilderness designation. The result has been that neither I nor my children have ever been able to see those sights. Many people can not afford to hire licensed guides and pack animals necessary to visit these areas. If you now close and lock up our desert areas of Southern California, future generations will never have the chance to experience what past generations have enjoyed.

If it is protection of the desert that concerns the authors of this legislation and the fact that there are abuses, it is my opinion that you enforce existing laws, not make new ones. If the Highway Patrol has too many motorists violating their laws they hire more law enforcement officers. In this case the answer seems to be "Let's close the highway, do not enforce the rules".

The B.L.M. has done a good job in implementation, management and enforcement of the Desert Plan, given the severe budget restrictions they have had to face. Under the proposed legislation you will be facing additional expenses for the first year, far and above what is being spent now. I have seen estimates of up to $50,000,000 and more. Further, administration will be taken away from the B.L.M. with local offices and personnel and given to the Park Service whose closest office is in Denver, Colorado, some 1500 miles away. How much will it cost them to administer such an area and how effective can they be sitting that far distant with no previous experience in the desert areas.

When we received word that these hearings were scheduled we took the question to, not only the people of Blythe, but the visitors who love our desert as well. For two weekends we polled the populace with the following results. 95% of the people polled were against the enactment of any more restrictions than we now have and I carry to you their signatures on petitions that state "The undersigned concerned citizens are opposed to the proposed legislation, Senate Bill 7, H.R. 371, titled 'California Desert Protection Act of 1987'. We further request that field hearings be held in Southern California". In two weekends we have accumulated 5,733 signatures. This in a town with a population of 7,700 hard working, dedicated and committed citizens.

This is not a partisan politics issue, as the signatures are from democrats and republicans alike. It is big brother flexing the muscle at the request of a few people who are least involved.

If you are to carry these proceedings further, I urge you, on behalf of the citizens of Blythe, to hold field hearings in the areas affected and invite the committee to come out to our desert and see for yourselves what is involved in closing down our part of the world. I ask that you do not take the word of a few misguided individuals who seem to be leading astray our senior Senator from California.

We will carry this fight as far as necessary to protect what rightfully belongs to us and to our children and grandchildren to follow.

Senator **Bumpers**. Thank you very much, Mr. Jessop.

Mr. Emde.

STATEMENT OF DON EMDE, AMERICAN COALITION OF OUTDOOR RECREATION PUBLISHERS, MONTROSE, CA

Mr. **Emde**. Mr. Chairman, Senators and Representatives, I am Don Emde, publisher of Dealer News Magazine, the voice of the power sport vehicle industry. I am spokesman for ACORP, the American Coalition of Outdoor Recreation Publishers. ACORP is a press club which represents over 40 consumer and trade publications in the outdoor recreation industries. ACORP publishers reach over 15 million readers. Our readers support a 5 billion dollar industry comprising over 10,000 businesses which create 75.000 jobs. Over 500 advertisers budget in excess of $100 million annually in ACORP's publications.

S. 7 is monumental in scope. The geographic boundaries of S. 7 constitute an area of 50,000 square miles. Including adjacent military reservations, parks, reserves, and other restricted government and private properties, this is an area as large as the land mass within 25 of our states.

The desert regions within S. 7 are of vital importance to the economic health of our industry. The negative impact of S. 7 upon our industry alone would be the loss of billions of dollars in income, tens of thousands of jobs, and thousands of businesses in and out of California.

Not all Americans agree on the ways that they spend their leisure time for recreation. Regretfully, S. 7 was conceived and authored by a singular interest group. Outside input from the thousands of other users and interest groups was rejected. It is therefore impossible that S. 7 was planned with the balanced concerns of all those involved.

ACORP supports conservation and environmental protection of the resources which are unquestionably threatened and which create social, economic and cultural benefits. S. 7 does not meet these criteria and is, in fact, a sledgehammer approach to a delicate question.

We believe that a balanced plan already exists. The current California Desert Conservation Area Plan is working. In fact, National Geographic Magazine agrees with that. In a January 1987 issue, they said, and I quote, "By all accounts, the BLM has done a commendable, even heroic, job of ameliorating conflict and putting the plan to work."

This plan cost over $8 million tax dollars to develop and has been approved by both Democratic and Republican administrations during its existence. ACORP is confident that this body of the U.S. Senate will recognize the severe bias of the proposed legislation and immense negative impact it will have on individuals, businesses and desert communities who, like, us, see S. 7 as extreme environmentalism at its worst.

Thank you, Senators, for allowing me to express the deep concerns and strong objections of S. 7 of the American Coalition of Outdoor Recreation Publishers.

[The prepared statement of Mr. Emde follows:]

AMERICAN COALITION OF
OUTDOOR RECREATION PUBLISHERS
P.O. BOX 980
MONTROSE, CALIF. 91020 USA
818-249-4770

TO: Senate Energy & Natural Resources Committee
DATE: July 23,1987
RE: U.S. Senate Bill 7 testimony

Mr. Chairman,

I am Don Emde, publisher of Dealernews magazine and spokesman for ACORP, the American Coalition of Outdoor Recreation Publishers. ACORP is a press club which represents over 40 consumer and trade publications in the outdoor recreation industries.

ACORP publishers reach over 15 million monthly readers. Our readers support a $5 billion industry comprising over 10,000 businesses, which create 75,000 jobs. Over 500 advertisers budget in excess of $100 million annually in ACORP's publications.

Senate Bill 7 is monumental in scope. The geographic boundaries of S-7 constitute an area of 50,000 square miles. When including adjacent military reservations, parks, reserves and other restricted government and private properties, this is an area as large as the land mass within 25 of our states.

The users of the desert are primarily families who have chosen the great outdoors as their form of recreation and leisure. In addition, the desert regions within S-7 are of a vital importance to the economic health of our industry. The negative impact of S-7 upon our industry alone would be the loss of billions of dollars in income, tens of thousands of jobs and thousands of businesses in and out of California.

Another concern is the overwhelming impact of S-7 on existing park regions. Currently our parks are already extremely over burdened and they would be virtually overrun by vacationers, outdoorsmen and recreationalists seeking to replace the vast desert areas closed or with severely restricted access.

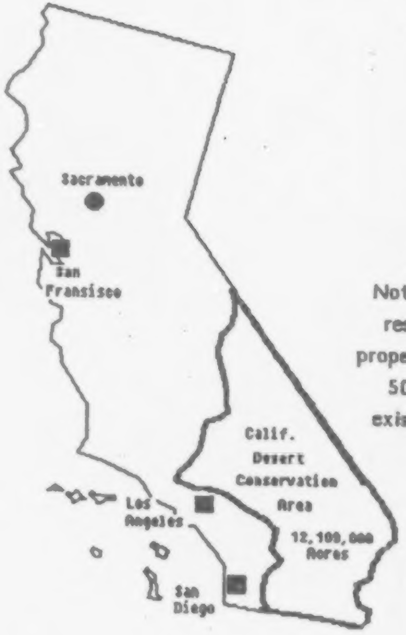
ACORP supports conservation and environmental protection of our resources that are unquestionably threatened and which create social, economic and cultural benefits. S-7 does not meet these criteria and is, in fact, a sledgehammer approach to a delicate question.

Not all Americans agree on the ways that they spend their leisure time for recreation. Regretfully, S-7 was conceived and authored by a singular interest group. Outside input from the thousands of other users and interest groups was rejected. It is therefore impossible that S-7 was planned with the balanced concerns of all those involved. In this respect we believe that a balanced plan already exists.

The current California Desert Conservation Area plan is working. In fact, National Geographic magazine agrees with that. In their January 1987 issue they said "By all accounts the BLM has done a commendable, even heroic job of ameliorating conflict in putting the plan to work". This plan cost over 8 million tax dollars to develop and has been approved by both Democratic and Republican administrations during its existence.

ACORP is confident that this body of the U.S. Senate will recognize the severe bias of the proposed legislation and immense negative impact it would have on individuals, businesses and desert communities who, like us, see S-7 as extreme environmentalism at its worst.

Thank you Senators for allowing me to express the deep concerns and strong objections of Senate Bill 7 by the American Coalition of Recreation Publishers.


Sacramento
San Fransisco
Los Angeles
San Diego
Calif. Desert Conservation Area
12,100,000 Acres

California

Proposed area slated
for Wilderness and/or
National Park status.
Area: 14,000 sq. mi.
(1/3rd total state area)
Not including adjacent military
reserves, state lands, private
property, etc. Effectively removes
50,000—plus sq. miles from
existing public use and access.

[Senate; California Protection
Act 1987, #7.

Area Equals or is Greater than:

Alabama, Arkansas, Connecticut, Delaware, Hawaii, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia.

Senator BUMPERS. Thank you, Mr. Emde.

Next is Robert Rasor, Vice President, Government Relations, American Motorcyclist Association.

STATEMENT OF ROBERT RASOR, VICE PRESIDENT, GOVERNMENT RELATIONS, AMERICAN MOTORCYCLIST ASSOCIATION

Mr. RASOR. Thank you, Mr. Chairman. The American Motorcyclist Association is a national organization of motorcycle enthusiasts that use their vehicles for touring, recreation, commuting and daily transportation. The Association was founded in 1924 and has grown to our current size of over 145,000 members.

It has taken an active role in the land management process that is affected by S. 7. Like most organizations, we participated to be assured that our members' interests would be represented in the final plan. We were not always satisfied with results and lacked the experience and sophistication to effectively influence public opinion; however, we worked hard to have our thoughts incorporated in the final plan.

We believe that the strength of the existing plan is the depth and the extent of the public involvement it represents. The Bureau of Land Management conducted numerous hearings and workshops attended by more than 900 people, distributed more than 18,000 copies of a draft desert plan, and reviewed more than 9,000 written responses containing 40,000 individual comments between 1977 and 1980.

Everyone from individuals to environmental, cultural, recreational, mining and ranching organizations participated in that process. Despite complaints and resulting lawsuits, all parties involved took advantage of an equal opportunity to participate in the process and to provide input.

It is important to note that the original draft plan for the desert included a protection alternative that was rejected. That alternative is almost a mirror image of the proposals reflected in S. 7. What these organizations were unable to accomplish through the public review process they are now asking Congress to do for them.

The proponents' central theme seems to be their dissatisfaction with how the Bureau of Land Management goes about managing the CDCA. They seek a more restrictive management prescription and have made no secret of their desire to transfer responsibility for much of the desert to the National Park Service.

The bottom line is that the BLM is not the Park Service, nor should it be. It is exactly because all of our public lands should not be parks that the BLM exists.

Bureau lands are managed under the concept of multiple use. This means making allowances for protection of wildlife, providing for a variety of recreation interests, the need to extract strategic minerals, land for grazing cattle and providing protection for special areas.

The bill proponents will say that it is uncontrolled motorized recreation that requires the restrictions proposed in their S. 7. Motorized recreation and ORV use are currently among the most highly regulated uses in the CDCA today. Compared to 1970, random legal motorized access in the desert is virtually unavailable.

Others will say that a compromise of the existing plan in Senator Cranston's bill will address the problem. To this we must reply the existing plan is the compromise. The compromise was made in 1980 and must be given a chance to work.

If ever there was a piece of Federal legislation that we believe is unnecessary, we believe the Desert Protection Act of 1987 is it. It completely circumvents an existing program that was implemented at the behest of Congress, costs several million dollars, seeks to impose the goals of a few organizations on public land that should be accessible to a broad array of interests.

Should Congress elect to pass S. 7, the real travesty will be the injustice done to all of those who participated in the original process in good faith, believing that the outcome would actually mean something. We respectfully request this committee to reject this legislative proposal.

[The prepared statement of Mr. Rasor follows:]

TESTIMONY OF THE
AMERICAN MOTORCYCLIST ASSOCIATION
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
JULY 23, 1987

OPPOSITION TO SENATE BILL 7
THE DESERT PROTECTION ACT OF 1987

The American Motorcyclist Association is a national organization of motorcycle enthusiasts that use their vehicles for touring, recreation, commuting and daily transportation. The Association was founded in 1924 and has grown to our current size of over 140,000 members. Like most organizations testifying today it has taken an active role in the evolution of the land management process affected by Senate Bill 7.

Our participation began with membership in the Off-Road Vehicle Advisory Committees established in the 1960's, through the Interim Critical Management Plan (ICMP) of 1973, and includes an active role in the development of the Desert Plan that now governs the California Desert Conservation Area (CDCA).

Like most organizations the AMA participated to be assured that its interests would be represented in the final plan. We were not always satisfied with the results of a process that required consideration of many points of view, nor did we like dealing with the burdensome "public input process." Our members, and those who enjoyed similar recreations, sometimes lacked the experience and sophistication to effectively influence public opinion. Despite these handicaps we worked hard to have our thoughts incorporated in the process that would ultimately result in the California Desert Plan.

One of the strengths of the existing desert plan is the depth and extent of public involvement it represents. The Bureau of Land Management (BLM) conducted 12 hearings and workshops attended by more than 900 people, distributed more than 18,000 copies of the draft desert plan and reviewed more than 9,000 written responses containing more than 40,000 individual comments between 1977 and 1980. Everyone from individuals to environmental, cultural, recreational, mining and ranching organizations participated in the process.

Despite complaints and resulting lawsuits, all parties involved took advantage of an equal opportunity to participate in the development of the plan and to provide public input. It is important to note that the original draft plan for the desert included a "protection alternative" that was essentially developed by environmentalist organizations active in the process. That alternative is almost a mirror image of the proposals reflected in SB-7. What these organizations were unable to accomplish through the public review process, they are now asking Congress to do for them.

The bill's proponents central theme seems to be their dissatisfaction with how the BLM goes about managing the CDCA. They seek a more restrictive management prescription and have made no secret of their desire to transfer responsibility for much of the public land in the desert to the National Park Service. The bottom line is that the BLM is not the park service, nor should it be! It is exactly because all of our public lands should not be parks that the BLM exists. Bureau lands are managed under the concept of multiple use. This means making allowances for the protection of wildlife; providing for a variety of recreational interests; the need to extract strategic minerals; land for grazing cattle; and to provide protection for special areas.

Bill proponents will say that it is uncontrolled motorized recreation that requires the restrictions proposed by SB-7. Motorized recreation and ORV use are among the most highly regulated uses in the CDCA today. Compared to 1970, random legal motorized access to the desert is virtually unavailable.

Others will say that a compromise of the existing plan and Senator Cranston's bill will address the problem. To this we must reply: "The existing plan is the compromise." The compromise was made in 1980, and must be given a chance to work.

In truth, if ever there was a piece of federal legislation that was unnecessary, The Desert Protection Act of 1987 is it. It completely circumvents an existing program that was implemented at the behest of Congress, costing of several million dollars. It (SB-7) seeks to impose the selfish interests of a few organizations on an area of public land that should be accessible to a broad array of interests.

Should Congress elect to pass SB-7, the real travesty will be the injustice done to all of those who participated in the original process in good faith, believing that the outcome would actually mean something. We respectfully request that the committee reject this legislative proposal.

Senator **Bumpers**. Thank you very much, Mr. Rasor.

Is that two last names?

Ms. Ortner-Kubler, please proceed.

STATEMENT OF VYOLA ORTNER-KUBLER, ELDER, AGUA CALIENTE INDIAN TRIBE, PALM SPRINGS, CA, ACCOMPANIED BY GEORGIANA WARD, AGUA CALIENTE BAND RESERVATION; AND JIM ROTHSCHILD, ANDREAS COVE DEVELOPMENT CO., CATHEDRAL CITY, CA

Ms. **Ortner-Kubler**. Thank you.

Senator **Bumpers**. You are an elder with the Agua Caliente Indian Tribe?

Ms. **Ortner-Kubler**. Well, I have an enrollment number of number four.

Senators and Congressmen, my name is Vyola Ortner-Kubler. I am past chairman of the Agua Caliente Tribal Council, past chairman of the City of Palm Springs Planning Commission and a former member of the Palm Springs City Council.

Two hundred years ago, one of the first declarations of the United States Congress under the Constitution of this country was the embodiment of the Northwest Ordinance of 1787, and I quote:

> The utmost good faith shall always be observed towards the Indians. Their lands and properties shall never be taken away from them without their consent. In their property rights and liberty, they shall never be invaded or disturbed unless a just and lawful war is authorized by Congress, but laws founded in justice and humanity shall from time to time be made for preventing wrongdoings to them and preserving peace and friendship in them.

Gentlemen, because of this guarantee in our Constitution, we are here before you today to protest the inclusion of individual Indian-allotted land held in trust by the United States Government. In S. 7 these lands are not only sovereign Agua Caliente Indian trust lands, they are also the only privately non-Federal lands designated for inclusion within this bill. All other land is Federally controlled public land.

As individual Indians, we have fought long and hard to achieve our own individual rights guaranteed to us under the Constitution of the United States. To give you an example, after several years of intense struggle in 1959 for the first time in the history of this country, I, as Tribal Chairman, along with my fellow councilmembers, brought about the right to have long-term leasing on our trust lands.

Because of this, for the development of our lands we are becoming self-sufficient at last. Now our children again face the threat of losing their heritage because special interests feel that they can better determine the use of our land and want to strip us of our rightful ownership. These special interest groups, such as the Friend of the Indian Canyons and the Sierra Club are non-Indian.

In January 1987 the Agua Caliente Indians allottees made Senator Cranston aware that they did not want their lands included in this Senate Bill. Neither do they want a park or the sale of their land out from under them. They want to continue to exercise their right to lease their land to the Andreas Cove Development Company and to build a quality controlled project.

I know that there are those who would have you believe that the best interests of the Indians would be best served by creating a park land in this cove area. We feel that they are misinformed because the archeological, historical and environmental issues have been totally addressed in the extensive environmental impact before it, as requested by the California State Environmental Equality Act.

These allottees are as concerned as well as the other tribal members with the preservation of Palm, Andreas and Murray Canyons. They agree that no development be proposed within the canyons themselves, and our current Tribal Council supports this.

I would just like to say that if you should choose to deny our request not to include our Indian lands in this bill, we insist that Congress pay the allottees the fair market value of their unjustly usurped lands.

In conclusion, I would like to reiterate the fact that for the past 28 years my tribe and I have been benefited greatly from long-term leasing, which has given us the opportunity to develop our land and be economically independent. The lands identified in S. 7 provide the only opportunity for some members of my tribe to achieve the same independence that I have enjoyed over the years. It is unfair for the government of the United States to take this birth right away from these allottees.

I have with me today Mrs. Georgiana Rice Ward, represented the allotted landowners, whose lands have been under lease to the Andreas Cove Development Company since 1982, and Mr. James Rothschild, representing the Andreas Cove Development Company. We three will be most happy to answer any questions you might have.

I might also add that I have been requested to make this statement by Mrs. Ward and Mr. Rothschild.

Thank you.

[The prepared statements of Ms. Ortner-Kubler, Ms. Ward and Mr. Rothschild follows:]

My name is Vyola J. Ortner-Kubler. I reside at 2182 Toledo Avenue, Palm Springs, California. I am a member of the Agua Caliente Indian Tribe. I am a past chairman of the Agua Caliente Tribal Council; past chairman of the City of Palm Springs Planning Commission; and a former councilman of the Palm Springs City Council.

Two hundred years ago one of the first declarations of The United States Congress under the Constitution of this country was the embodiment of the Northwest Ordinance of 1787 and I quote,

> "The utmost good faith shall always be observed toward the Indians, their lands and property shall never be taken away from them without their consent; and in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress, but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them."

Gentlemen, because of this guarantee in our constitution, we are here before you today to protest the inclusion of individual Indian allotted land, held in trust by the United States Government, in Senate Bill Seven (7) proposed by Senator Alan Cranston. These lands are not only sovereign Agua Calinete Indian Trust Lands, they are also the only private non-Federal lands designated for inclusion within this bill, all other land is Federally controlled public land.

As individual Indians, we have fought long and hard to achieve our own individual rights guaranteed to us under the Constitution of the United States. To give you an example, after several years of intense struggle in 1959 for the first time in the history of this country, I as Tribal Council Chairman, along with my fellow council members brought about the right to have long-term leases on our trust lands. Because of this, with the development of our land we are finally becoming self-sufficient at last.

Now our children again face the threat of losing their heritage because special interest groups feel they can better determine the use of our land and want to strip us of our rightful ownership. These special interest groups such as the Friends of the Indian Canyons and the Sierra Club are non-Indians.

In January 1987, the involved Agua Caliente Indian allottees made Senator Cranston aware that they do not want their lands included in this senate bill -- neither do they want a park nor the sale of their land out from under them -- they want to continue to exercise their rights to lease their land to the Andreas Cove Development Company and build a quality controlled project.

I know there are those who would have you believe that the best interests of the Indians would be served by creating park land in this cove area. We feel they are misinformed because all of the archaeological, historical and environmental issues have been totally addressed in the extensive Environmental Impact Report as required by the California State Environmental Quality Act. These allottees are as concerned as well as all of our tribal members are with the preservation of the Palm, Andreas and Murray Canyons. They agree that no development be permitted within the canyons themselves and our current Tribal Council supports that position.

I would just like to say that if you should choose to deny our request not to include our Indian Lands in this bill, we insist that Congress pay the allottees the fair market value of their unjustly usurped land.

In conclusion, I would like to reiterate the fact that for the past 28 years my tribe and I have benefited greatly from long-term leasing which has given us the opportunity to develop our land and be economically independent. The lands identified in S.7 provide the only opportunity for some members of my tribe to achieve the same independence that I have enjoyed over the years. It is unfair for the government of the United States to take this birthright away from these allottees.

I have with me today Mrs. Georgiana Rice Ward, representing the allotted land owners whose lands have been under lease to the Andreas Cove Development Company since February 1982 and Mr. James Rothschild, Jr., representing the Andreas Cove Development Company. We three will be most happy to answer any questions that you might have.

Thank you.

My name is Georgiana Rice Ward. I am here today representing the eight Indian allottees in the Palm Springs Lease PSL-266 with the Andreas Cove Development Company.

It has been almost twenty years since long-term leasing became effective on the Agua Caliente Reservation and finally, we are now going to receive the economic benefit that others have been receiving for years. This reality has only come through much hard work with all of the people involved.

Our development is on the cone in front of the Indian canyons with their beautiful palm groves, which are protected for the enjoyment of all in years to come.

Now we have the threat from people who have no ownership of land in the area and want to take away our individual human rights. It is beyond our belief. This is a part of our Indian heritage given to us by the United States Government and should not be taken away from us through condemnation or a trade of other land.

We do not want a park on our land! We do not want to sell our land and we do not want to trade our land! We simply want our right to develop our land as other Americans have the privilege of doing.

We are working hard to be independent, self-sustaining and progressive American Indians in the mainstream of life in the United States.

Thank you.

ANDREAS COVE

My name is James J. Rothschild, Jr. and I am an officer of Andreas Cove Development Company, Inc. We are the lessees under Lease No. PSL-266, from the Bureau of Indian Affairs which includes 450 acres of land owned by individual Indians and located on the Agua Caliente Band of Cahuilla Indian Reservation in the Palm Springs area of California. This lease area is a portion of the proposed Indian Canyons National Historic Site in Senator Cranston's proposed bill S.7 entitled California Desert Protection Act.

Andreas Cove began leasing land within our PSL-266 lease boundries in 1978. The lease was approved by the Bureau of Indian Affairs on February 25, 1982 and we commenced annual lease payments on that date. The initial lease payment was $202,500. The payments thereafter diminished substantially until the lessee receives the necessary approvals from the appropriate government agencies to commence physical development of the project. When construction begins, income to the lessors commences to grow as they share in percentages of all gross receipts i.e., country club use facilities and destination resort income flows. Gross sale price of condominiums and homes are excluded, but all ground lease payments are included. In other projects we have developed on Indian land, this system has worked very favorably for the benefit of the lessors with a minimum outlay by the lessee until he is able to commence development.

The Environmental Impact Report analizes the project's economic benefits. The report projects that 220 new jobs will be created, the destination resort guests will spend $6,600,000 in the local communities and the project's residents will spend $6,900,000 annually in the local area. The project cost benefit for the County of Riverside has a 3 to 1 benefit ratio. This calculation was done by county staff as part of the approval process. The project will also create a one time $1,400,000 income figure for the Palm Springs School District. Because of the projected age of the home buyers within the project, the school district will have a substantial net gain from it's annual share of property taxes from the development.

P.O. Box 455, Palm Springs, California 92263

The City of Palm Springs requested that as part of the approval process for development we annex our property to the city, as the property was adjacent to the city on the south. We prepared an Environmental Impact Report as required by the California Environmental Quality Act, the most comprehensive report the City of Palm Springs has ever had. This document was accepted and certified by the City Council of Palm Springs on April 3, 1985. During the time the Environmental Impact Report was being processed, we moved through the city planning process for a 900 unit residential community with a championship golf course and tennis facility. During December 1985, we withdrew our application for annexation and zoning from the City of Palm Springs as we could not come to terms with the city on the project density and other conditions of development. Our final suggestion was for 675 units and the city wanted less density, but would not tell us how much less.

During this time period, economic conditions and marketing demands began to change and our application to the County of Riverside in whose jurisdiction the project is located, reflect these changes. The project was filed with the County of Riverside in the late spring of 1986. The need for a residential community was called for, thus the project evolved with the county to 295 home sites that were located on the golf course or sites that had magnificent views of Palm Springs and the Coachella Valley. A world class destination resort was added to the project which would allow up to 250 units, 2-story in height in a casitas type arrangement.

The Environmental Impact Report was rearranged to meet the county's format as well as expanded to cover the destination resort. Through months of effort and public debate, the E.I.R. along with the required general plan amendment and specific plan of development under Riverside County guide lines were approved by the Riverside County Planning Commission on July 15 of this year. The project is tentatively scheduled to go before the County Board of Supervisors on September 29, 1987 for public hearings.

We have expended an enormous amount of man hours over the past 9 years and $6,100,000 to bring this fine environmentally sensitive project to what we hope will be a successful conclusion. Since the project was approved by the County Planning Commission on a 4 to 1 vote, we anticipate it will be approved by the Board of Supervisors.

ANDREAS COVE

The project is located within a national registered historic Indian site. Extensive efforts have been made in conjunction with SHIPO, the environmental section of the Bureau of Indian Affairs, the National Park Service and the Agua Caliente Tribal Council to insure that all important archaeological sites are preserved and to protect riparian habitat which includes the home of the Least Bell's Vireo, an endangered bird species as listed by the U.S. Fish and Wildlife Service. The natural Washingtonia palm trees that are within the site are being preserved and protected. Horse trails which in prior times have crossed private Indian land will have dedicated rights-of-way. The entrance to the Indian canyons will be upgraded and modernized with a new two-lane road, a new gatehouse and office, as well as a permanent easement for access to the canyons for the tribe. These and many other items have been included in our efforts to preserve the full integrity of the project area.

Our Indian lessors as well as ourselves had hoped by this time the project would have been long under construction with revenue being derived from the project. This will not take place until the physical threat of acquisition by Senator Cranston's bill has either taken place or been permanently put to rest.

The resolution of S.7 will occur in 1988 while our engineering and detailed design process are taking place. We, as well as our Indian lessors, are opposed to accepting any BLM Land in trade for this very valuable land located within the Agua Caliente Band of Cahuilla Indian Reservation. In fairness to ourselves the developers, and our Indian lessors, the legislature should take into consideration the years of effort that cannot be duplicated or redone in trying to foster on us a BLM Land exchange, which none of us desire. If the senator's bill is approved, we and our Indian lessors are willing to accept as we have no alternative, the fair market value as determined by appraisal for the land, as well as our leasehold estate.

Senator BUMPERS. Thank you very much.
Mr. Solinsky.

STATEMENT OF CHRISTIAN W. H. SOLINSKY, RESOURCES DIRECTOR, CALIFORNIA CHAMBER OF COMMERCE, SACRAMENTO, CA

Mr. SOLINSKY. Thank you, Mr. Chairman and members. My name is Christian Solinsky. I am the Resource Director of the California Chamber of Commerce. The Chamber has supported hundreds of millions of dollars to be spent on parks in the state over the years, and we have also supported specific wilderness designations in the past.

We realize as our state keeps growing, another 6 million by the turn of the century, that we are going to need areas for recreation of this particular type, wilderness areas. We also urge, Mr. Chairman, that as you go through this process that you conduct a fair hearing.

By this, we mean specifically we would urge that you make a system of distributing the 125 maps, two by four feet long, setting repositories in the state so the people that have legal interests in the desert can go in and review how their interests are going to be affected. To this point, we do not know that those have been made available.

These maps probably will change. We would also urge that you make those available as they are changed.

Additionally, we would request Senator Cranston to ask the sponsors to make a detailed statement of why they have made the changes from the California Desert Plan as it was created in the public hearing process. Senator Cranston has been quoted this week as saying that "if justified, if warranted, I will make changes in S. 7".

The problem is, Mr. Chairman, we do not have the factual rational basis why the lines were drawn in S. 7, thereby eliminating the Desert Plan, and it is impossible to respond to his challenge unless we have a detailed statement from the sponsors why they chose a wilderness designation for an area rather than other multiple use designations that were chosen in the public hearing process.

Additionally, we would request that you delete section 605 of the bill and replace it with specific lands for exchange with the state for the school lands. We have a $10 billion unfunded liability in our teachers retirement system in California. A few years ago we designated these lands, 500,000 acres plus another 600,000 acres with mineral rights, as an asset to retire that liability. They will be surrounded without value.

There have been disputes, many disputes, over the years with the Federal Government in actually getting all these school lands. This is a major asset for this liability we have, and it should have gone for another 20 years. As we understand it, there will not be enough base of land and BLM public lands to do the exchange that is proposed in section 605 as it is. That means the GSA lands or military lands will have to be involved, and you know where we will end up in that kind of dispute.

So we urge that you put in specific exchange lands in the bill before it is passed.

The last point is with regard to water rights. We agree with Senator Wallop. Recently you are working on H.R. 403 in the House which deals with the water rights problem, that the courts are employing more water rights for the use of reserve lands than what you may have intended here in the legislature. Specifically in California, we have two additional problems.

In the Colorado case, we have a public trust doctrine that is working its way through the courts there.

We also have a right paring doctrine which the Forest Service has asserted as to its lands. It is a particular doctrine as to California, and it is before our California Supreme Court. So we feel that you have to specifically exclude the application of the public trust doctrine or this new right-paring doctrine in any bill that you enact and that the reserved areas should use the state water rights process if they need any water so that the existing water users in the area are not affected. I would suggest to the committee the language in H.R. 403 as a start.

The last point is we see no reason why all these utility corridors should be closed down. I mean, if we are going to be trying to serve the people in Southern California as it is growing at this tremendous rate, there is no reason to be shutting down 12 proposed corridors, as we understand the plan is now.

Finally, we would ask that geothermal surveys be done for the entire area, that it has not been done and that you begin immediately appropriating funds to do the mineral surveys on these school lands which we know are definitely going to be part of the problem with obtaining passage of this bill.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Solinsky follows:]

STATEMENT OF THE CALIFORNIA CHAMBER OF COMMERCE
BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ON S.7 A BILL
"TO PROVIDE FOR THE PROTECTION OF THE PUBLIC LANDS IN THE CALIFORNIA DESERT"
THE HONORABLE DALE BUMPERS, CHAIRMAN

Mr. Chairman and Committee Members:

My name is Christian W.H. Solinsky. I am the Resources Director of the California Chamber of Commerce. The California Chamber is a voluntary business organization with over 3,500 members, 160 trade associations and some 400 affiliated local chambers in California. We appreciate being able to testify on S.7 which would establish new national parks and wilderness areas in the California desert.

Unfortunately S.7, if enacted, will make a mockery of the federal land use planning statutes and will be a disservice to the people of California and the nation. Enactment of S.7 will circumvent tens of thousands of hours of work by federal officials and the public in formulating both the California desert multiple use plan and a plan for recommended wilderness areas. All this effort, which is ignored by S.7, was done under prior Congressional mandates to engage in a public hearing process where all sides could be represented in reaching the best management plan for federally-owned lands in the California desert.

We submit that when the Bureau of Land Management has to purchase the maps for S.7 from the Sierra Club for the land affected by S.7 and those maps represent the official proposed law of S.7, and those maps are still not published and available to the public, there is a substantive due process problem with this legislation. We are dealing with millions of acres of land which the public has a vital interest in for recreation, preservation, and commercial uses. Governmental

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Presented by C.W.H. Solinsky, Resources Director of the California Chamber of Commerce in Washington, D.C. on July 23, 1987.

entities and private companies and individuals have legal property interests in the federal lands affected by S.7. Other governmental and private owners will be landlocked by wilderness or national parks boundaries if S.7 is enacted.

It is a fundamental principal of fairness and substantive due process that all of these persons and entities be afforded an opportunity to review the effect of S.7 on their proprietary interests. It is essential for the public policy debate on S.7 that this committee order the publication and adequate distribution of the hundreds of maps that will become part of the law.

The distribution of those maps should be made to the thousands of people that have publicly commented on the Bureau's proposed plans for a resource conservation plan and wilderness areas in the desert as well as making the maps available for persons directly affected by S.7. In conducting a fair hearing on S.7 and in judging whether an additional nine (9) percent of the California land mass should be placed into wilderness those thousands of persons that participated in the Environmental Impact Statement (EIS) process on BLM's wilderness recommendations should also have the opportunity to respond to the wholesale changes made in S.7.

When the Committee reviews the EIS of BLM on their preliminary wilderness recommendations. and their final report in 1989 when the mineral surveys are completed, you will note that the public commented on these areas acre by acre with maps available. The BLM documentation shows that the size and boundaries of wilderness areas was intensely debated and often environmental groups took different positions with regard to a particular boundary.

S.7 would increase the recommended wilderness and national park acreage in the California desert by fourfold without any statement of why Congress would reject boundaries or areas that were not recommended into wilderness in the environmental report of BLM. We believe it is this committee's duty to provide an opportunity for the thousands of people who have previously participated in the Congressionally mandated planning process to actually see how the areas that they have an interest in will be reclassified under S.7 as compared to the BLM compromise and then be allowed to respond. This can only be done with the maps and a statement by Senator Cranston justifying these massive changes. The Senator's statement must detail why he rejected the public comments on each area and why he has rejected other proposed uses for each area, as was done in the BLM public testimony process. BLM has conducted a legal process and chose between alternatives as required by Congress as professional land managers. The burden should not be placed on the public who participated in the legal process to disprove an arbitrary boundary drawn in S.7

For this reason alone we urge that S.7 be held in committee.

In testifying against enactment of S.7 today we have been authorized to state the position of the Public Land Users Alliance in California in opposition to S.7. The organizations represented by the Public Land Users Alliance in opposition to S.7 include the following:

California Cattlemen's Association
California Desert Coalition
California Farm Bureau Federation
California Association of 4 WD Clubs, Inc.
California Forest Protective Association
California Mining Association
Western Timber Association
California Wool Growers Association
The Regional Council of Rural Counties, including the following counties which have enacted resolutions against S.7: Alpine, Amador, Calaveras, Del Norte, El Dorado, Sierra, Glenn, Humboldt, Inyo, Mariposa, Mendocino, Merced, Mono, Nevada, Plumas, San Bernardino, Siskiyou, Stanislaus, Sutter, Tehama, Tulare and Yuba.

In reaching a fair determination of whether Congress should act now before the administrative review process is completed, we urge the Committee to consider a number of other issues and alternatives. A crucial one would be how S.7 will fit with the emerging air quality rules and regulations. It is not unlikely that buffer zones will be established for air quality around national parks and wilderness areas which may significantly increase the adverse economic consequences of designating huge amounts of Southern California as wilderness or national parks. We urge you to evaluate this potential and/or enact provisions that would prevent the expansion of the desert protection areas to areas that are contemplated to be fully opened for tourism, commercial and recreation activities and also evaluate the direct or indirect air quality affects of S.7 on commerce in the Los Angeles basin.

Another alternative we submit for your consideration is the issue of adequate staffing for management of the current desert plan. If in fact rangers are insufficient to protect sensitive areas the committee should explore whether an increase in this staff will accomplish the desired management rather than simply placing large tracks off limits as proposed in S.7.

Another major concern is the affect of S.7 on our educational financing in California. Some 500,000 acres of fee owned school lands would be surrounded by S.7 lands as well as another 600,000 acres of school lands with mineral rights. Surprisingly, these lands in the desert have substantial value and are an intregal part of the state's teachers retirement system assets. Most experts believe the federal government will be unable to trade for other public lands with similar values which will undercut the financing of teachers' benefits in the state. These school lands, which have been an issue with the federal government since statehood, have been pledged to resolve a multi-billion dollar unfunded liability of the state to our teachers. As a business organization we are concerned with adequate funding for our schools. S.7 will stop the ability of the state to obtain fair value for these lands and our state taxes will have to be increased to meet our students' and teachers' needs. We urge that you delete Section 605 and substitute a list of specific lands from any federal agency that will be transferred to the state for our teachers. Since these lands have not been surveyed for minerals, we urge that you appropriate funds to begin the surveys and evaluation process immediately.

Another major concern the committee should be aware of in reviewing S.7 is the impact it will have on California's largest industry, tourism, which currently represents a $31 billion annual boost for our state's economy. In making a fair evaluation of Senator Cranston's proposal we again urge the committee to conduct hearings in the California desert and allow representatives from our affiliated chambers of commerce to explain and show to you how the bill affects their local tourism industry.

California's population is growing at the rate of approximately 500,000 people per year, mostly in Southern California, and the desert is a major source of recreational opportunities for this growing population. By the turn of the century we will have another 6,000,000 people in the state and we believe Congress should not unnecessarily limit the recreational opportunities for this expanding population. We agree that some areas need to be preserved for antiquity by being placed into wilderness status but the dimensions of the Cranston's proposal will force people to use other public lands and public forest areas in Southern California and degrade the quality of the recreational experiences in these other areas as people are shifted away from the deserts. S.7 will close 2,231 miles of roads.

The story of the desert blooming with adequate water supplies may be well known but it is just a beginning. Major tourist attractions such as Palm Springs are a potential in other parts of the desert as the northern tier states' population look for recreation alternatives during the winter months. By acting now in excluding commercial and vehicular recreation in the desert, Congress would be foreclosing the ability of these public lands to satisfy this growing recreation demand in the Country.

Another problem with S.7, which will be more fully discussed by others, is the stopping of mineral exploration and production activities in the desert. As we have just seen with the advances in super conductivity, this highly mineralized area contains deposits which, because of overnight technological changes, can transform a little known resource into one of the most important mineral deposits in the world. While 46 mineral commodities are produced in the desert and this area holds some ninety-seven (97) percent of the nation's strategic minerals, that may be just the tip of the iceberg of the importance of the area to our nation for future mineral production.

Almost two thirds of the mineral claims in California are in the desert and S.7 will set up a process to terminate those claims. Another major problem that the Committee is confronted with by S.7 is you will not have any detailed mineral information on the lands covered by S.7 except where there is an overlap with the environmental review process being conducted on BLM's wilderness recommendations. In other words, BLM is legally required by Congress to conduct extensive mineral surveys on lands that are recommended for wilderness but the Committee will have no comparable information on the lands proposed to be locked up in S.7. We would urge Senator Cranston, at a minimum, to agree to a similar precondition for a mineral survey for any lands that will be separately placed into wilderness by his legislation. If the Wilderness Act was not such a conclusive law and so binding on future generations, the designation of huge amounts of the deserts as wilderness would not appear so draconian to those of us who are concerned about meeting future economic needs. But until Congress modifies the Act by allowing areas to be pulled out of wilderness or by modifying the law to allow for future economic activities in wilderness areas, the designation today of an area as wilderness means wilderness forever. Because decisions on S.7 will be conclusive on future needs of our population, we urge your study of the California desert be a multi-year process with final action deferred until you receive your requested mineral surveys from the Administration.

Attached to our testimony is a summary of the California land ownership by government agencies and the amount of acreage that has been designated as wilderness. Figures show that as of 1984 approximately six (6) percent of the state's total land mass or twelve (12) percent of the federally owned lands were in wilderness with an additional 10,000,000 acres to be further studied for wilderness.

In Senator Cranston's proposal most of the area in the new national parks S.7 creates would simultaneously be designated as wilderness and when these areas are combined with the eighty one (81) specific wilderness areas the toal would be almost 9,000,000 acres of new wilderness in California. This would mean that upon enactment of S.7, fifteen (15) percent of the land mass in California would be officially off limits to any vehicle use, camping grounds, portable toilets, picnic tables, mineral exploration, vehicles to carry handicapped persons to view scenic resources and any commercial activity or exploration for future commercial activity. The percentage of federally owned wilderness lands would be close to thirty (30) percent of all federal lands in California and all permanently excluded from any productive activity.

As a business organization representing companies that are trying to meet demands of their customers and a rapidly growing population, we submit to you a decision to designate so much of California as off limits to productive uses of our citizens is in violation of the spirit of federalism and cooperation with the states.

As you go through the review process you will see how dependent many of our smaller communities are on revenues that are derived from commercial activities on federal lands which the Cranston proposal would close. If Congress enacts this measure we request that lost revenues be replaced by all taxpayers of the United States in perpetuity. We live in a region where states have fifty (50) percent or more of their productive land owned by the United States. If it is the decision of the people of the United States to place vast amounts of that federal ownership off limits to the citizens and companies who live nearby, the economic impacts of that decision should be transferred to the general taxpayers of the entire United States.

When the committee conducts field hearings or trips in the desert of California you will be impressed by its points of magnificance and beauty as well as by its vastness and desolation. Be cautious in your conclusions of non-activity in this large area. There is in fact, extensive livestock grazing in the desert, sixty (60) percent of which will be eliminated by S.7. In just the last couple of years, we have seen the construction of a major new oil pipeline and proposals for construction of two major gas pipelines, the completion of major new transmission lines for electricity for power plants in Utah, Arizona and Nevada, and a pending proposal for a bullet train between San Bernardino and Las Vegas. Broadening this recent view of commercial activity we have seen a major proposal for nuclear power generation in the desert, the construction of extensive solar powered electrical generating plants, and a dramatic increase in geothermal electricity production. The Committee should require a survey be conducted for geothermal resources.

We in California know the huge manufacturing, commercial and financial center in Southern California will have difficulty continuing to grow on fossil fuels which are the primary cause of the south state's air pollution. The desert offers the potential for long term energy supplies that will meet more stringent air quality controls. Large areas of the desert may be needed to develop energy that will be used as our economy converts from fossil fuel dependency and we urge the committee to not close our energy options for future generations. In reviewing the maps for S.7 the Committee should ask Senator Cranston why the northwest, northeast and eastern areas around China Lake are designated for wilderness when this is one of the most highly sought after areas for new geothermal energy production.

On occasion you may have heard of our disputes in California regarding water, the most vital resource to sustain our economy. Not surprisingly, the solution to these problems could include additional water development projects in the desert since we already have several aqueducts in Southern California which crisscross the desert. The entire agriculturally rich Coachella Valley was once a desert and with adequate water supplies other fertile areas of the desert may be needed for food production or water storage in geologically sealed underground reservoirs. Please keep in mind that even as an innocuous an activity as placing a pipe into a region to release water for underground storage and constructing a pump to retrieve that water during droughts is a prohibited activity under the Wilderness Act since it involves man using manmade instruments. In your review of S.7 Senator Cranston should be asked why he has severly restricted the sixteen (16) utility corridors called for in the desert plan so that only four (4) or five (5) may be available to meet future water, electrical, energy and transportation demands.

Most of you have landed at Los Angeles International Airport and probably have attended a space shuttle landing at Edwards Air Force Base. Your Committees are now looking at and/or funding a whole new generation of vehicles for low space travel. As we look a generation or two ahead, isn't it entirely possible that we will need another or two Edwards Air Force Bases to accommodate unique forms of future transportation and landing areas. Again, if the wilderness designation was not so draconian and we could believe that the designation was subject to change to accommodate our changing economy, S.7 would not constitute a threat to the future of our state. But since there is apparently no sentiment to enact a more sophisticated wilderness law that allows for different classifications -- from preservation, to limited vehicular access for viewing significant scenic areas, to broader vehicle access for recreation and camping uses, to limited access for commercial exploration and mineral surveys, to areas that would be subject to redesignation for commercial uses as needs change -- since all of that is not possible, we must oppose S.7.

If Senator Cranston provides the required justification of why he is rejecting all of the compromises on the California desert plan, which thousands of our citizens have commented on, and if after you have heard from all of the interested parties in California, you still contemplate this huge track of land should be put off limits to our citizens and the tourists from other parts of the United States and the industries from other parts of the United States that will need the [illegible] from this region, [illegible]

In the desert you cannot walk to those scenic treasures since you cannot carry enough water to cover the required distances; your handicapped constituents will have no ability to get to those scenic treasures you seek to protect; the wildlife we are concerned about is partially sustained by well meaning off road vehicle groups which replenish water guzzlers in the desert but will be prohibited from their voluntary public service; and much of the existing wildlife and wild plant species will have to be removed by national park policies which prohibit nonnative animal species or plants.

In conclusion, Mr. Chairman, your actions on S.7 will affect twenty-five (25) percent of our state and much more than that from the perspective of total population. We urge you to conduct a fair proceeding on S.7 which will include all the items we have discussed and most importantly we urge you to conduct multiple hearings preferably in California with adequate distribution of the maps and adequate intravals of time in which you could receive comments from the citizens in California on those map as they change. Thank you for your consideration of our views. I will be happy to answer any questions you have.

WILDERNESS IN CALIFORNIA

10-24-84

California has a total land area of 101.5 million acres. Of that total, approximately 47.6 million acres are managed by Federal agencies, including:

U.S. Forest Service	20	million
Bureau of Land Management	18	million
National Park Service	4.6	million
Military Reservations	4	million
Bureau of Reclamation	1	million

California has 6.3 million acres of designated wilderness:

U.S. Forest Service	3.9	million
National Park Service	2.0	million
State of California	.4	million
Bureau of Land Management	.02	million

Additionally, acreages under study for possible wilderness designation in California total 8.6 million acres. Included is:

U.S. Forest Service	1.7	million
Bureau of Land Management	6.3	million
National Park Service	.6	million

Acreages administratively endorsed for wilderness designation totals 1.9 million acres. This includes:

National Park Service (Death Valley)	1.9	million

BLM California's preliminary recommendation is approximately 2 million acres out of 6.3 million acres as suitable for wilderness designation. The majority of the 6.3 million acres is the 5.5 million acres of wilderness study areas in the California Desert Conservation Area (CDCA), of which BLM has recommended 1.8 million acres as suitable pending the assessment of mineral survey data.

Senator **Bumpers**. Thank you.

Mr. Stout.

STATEMENT OF RICHARD J. STOUT, PRESIDENT, FEDERATION OF METAL DETECTOR & ARCHEOLOGICAL CLUBS, INC., FRENCHTOWN, NJ

Mr. **Stout**. Thank you, Senator, for allowing me to come here today and speak on behalf of the Federation of Metal Detector Clubs. The Federation of Metal Detector and Archeological Clubs is a nonprofit corporation representing 129 organized clubs across the United States. As President of the FMDAC, I am here to speak on behalf of our more than 6,000 Federation members, on behalf of the metal detector manufacturers and on behalf of the 550,000 detector users in this country.

Our members are detector users, bottle collectors, rock hounds, prospectors, miners, and, most important, recreationalists whose only goal is to enjoy their precious and too infrequent leisure time. If S. 7 is passed into law, such enjoyment and such activities in the California Desert will surely be severely restricted and in all likelihood cease entirely.

Our numbers and our ability to contribute financially to various legislative campaigns pale compared to those groups that support this bill, but our sudden growth, organization and concern over the past few years is a result of ever-increasing governmental control over that which is supposed to be public, our lands.

Our members have asked me to remind this committee that public lands were so designated to indicate their availability to the citizens of this country, and yet year after year we are faced with proposals and bills that hinder, restrict and terminate such public use.

We are very much aware of the need to preserve for future generations and continually advocate and promote this aspect of our pasttime via communications seminars, published pamphlets and articles; but we find it hard to believe that an individual in search of a lost coin, an arrowhead, a buried bottle, a small nugget, a rock or gem is incompatible with such a vast land area.

While S. 7 does not specifically mention these various activities, we know from previously well-intended Congressional acts and bills that the ultimate enforcement of these regulations will in fact affect each and every one. One only has to look back to the Archeological Act of 1979 to realize that governmental intentions via various bills do not materialize over the long run. Unfortunately, the individual citizen and hobbyist cannot singularly stand up and demand his or her rights.

Far too often Congress enacts bills such as we are discussing today and far too less follows up to see that they are enforced in a fair and lawful manner.

It would seem to me that given the abilities of this Congress and the overall abilities of this great country, we ought to be able to control and regulate these incompatible activities mentioned but not defined in S. 7 without such major and overpowering legislation.

Surely we can also consider the majority of recreational users when studying such an issue. Why should they be turned away when, in fact, perhaps the real problem lies in the many abandoned munitions dumps, the overgrazed hillsides, the open pit mines, the noxious fumes, as well as the damage caused by military maneuvers. We must wonder what will happen to these problems if this bill is enacted.

Will the chemical companies be forced to close their operations, or will the military stop holding their maneuvers? We doubt it very much, and we suspect that the real losers will be the taxpaying public.

Briefly with regard to S. 7, the Bureau of Land Management ought to be given credit for doing the job it has done with the few people it has. With 22 rangers to cover an area the size of the State of Ohio, I commend them.

Incompatible uses can be controlled without arbitrarily closing millions of acres of desert. We ask the members of this committee to study this bill carefully, realize the impact it will have on the recreational user, and consider who will most be affected. The entire desert should not be a museum.

We appreciate the concerns of the various conservation groups who endorse this bill and who will continue to enjoy their leisure time if it is passed. What we are concerned about is that we ask you to allow the citizens of this country to continue to enjoy that which is theirs, the public lands of the United States.

Thank you.

[The prepared statement of Mr. Stout follows:]

Testimony of Richard J. Stout
President of the Federation of
Metal Detector & Archeological
Clubs, Incorporated.......

July 23, 1987

SENATE BILL 7, The California
Desert Protection Act of 1987

On behalf of all members of the Federation of Metal Detector & Archeological Clubs, Inc., I'd like to thank the Subcommittee on Public Lands, National Parks and Forests, for the opportunity and privilege of speaking today.....

The FEDERATION OF METAL DETECTOR & ARCHEOLOGICAL CLUBS is a non-profit corporation, representing 120 organized clubs across the United States. As president of the FMDAC I am here to speak on behalf of our more than 6000 federation members, and on behalf of the 250,000 detector users in this country. Our members are metal detector users, bottle collectors, rockhounds, prospectors, miners and most important........ "RECREATIONALISTS", whose only goal is to enjoy their precious and too infrequent liesure time! If Senate Bill 7 is passed into law such enjoyment and such activities in the California Desert will surely be severely restricted, and in all liklihood, cease entirely!

Our numbers, and our ability to contribute financially to various legislative campaigns, pale compared to those large special interest groups that support this bill, but our sudden growth, organization and concern over the past few years is the result of ever-increasing governmental control over that which is supposed to be "PUBLIC"....our lands! Our members wish to remind this committee that public lands were so designated to indicate their availability to the citizens of this country, and yet year after year we are faced with proposals and bills that hinder, restrict and terminate such public use!

We are very much aware of the need to preserve for future generations and continually advocate and promote this aspect of our hobby via membership communications, seminars and published pamphlets and articles. We find it hard to believe that an individual in search of a lost coin, an arrowhead, a buried bottle, a small nugget, a rock or gem, is incompatible with such a vast land area. While Senate Bill 7 does not specifically mention these various activities, we know from previous well-intended Congressional Acts and Bills that the ultimate enforcement of these regulations will in fact affect each and everyone! One only has to look back to the "Archeological Act of 1979" to realize that governmental intentions via various bills do not materialize over the long run, and unfortunately the individual citizen and hobbyist can not singularly stand up and demand his or her rights. Far too often Congress enacts bills such as we are discussing today, and far too less follows up to see that they are enforced in a democratic and lawful manner.

It would seem that given the abilities of this Congress and the overall abilities of this great country, we ought to be able to control and regulate those "Incompatible" activities mentioned, but not defined, in Senate Bill 7, without such major and over-powering legislation! Surely we can also consider the majority of recreational users when studying such an issue. Why should they be turned away, when in fact perhaps the real problem lies in the many abandoned munitions dumps, the overgrazed hillsides, the open-pit mines, the noxious fumes from various chemical plants in the California desert, as well as the damage caused by military maneuvers? We must wonder what will happen to these problem areas if this bill is enacted? Will the chemical companies be forced to close their operations in the area? Will the military stop holding maneuvers? We doubt it, and suspect that the real losers will be the tax-paying public!

The Bureau of Land Management has recently stated, and we quote, "We may need more management, and we may need help, but we don't need a whole new system". The Federation is aware of the continuing vandalism in the California Desert, but we feel it will not be solved by wholesale changes in government management, but rather with additional rangers to assist the mere 18, who currently patrol the California Desert, an area slightly larger than the state of Ohio!

Incompatible uses can be controlled without arbitrarily closing millions of acres of desert. We ask the members of this subcommittee to study this bill carefully, realize the impact it will have on the recreational user, and consider who will most be affected. The entire desert should not be a MUSEUM! We apprciate the concerns of the various conservation groups who endorse this bill, and who will continue to enjoy their liesure time if it's passed.....we ask YOU to allow the citizens of this country to continue to enjoy that which is theirs.....the PUBLIC LANDS OF THE UNITED STATES!

Thank you.....

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July 13, 1987

The Honorable Dale Bumpers,
Chairman
Sub-Committee on Public Lands & Reserved Water
Energy and Natural Resources Committee
3104 Dirksen Senate Office Building
Washington, D.C. 20510

Subject: Senate Bill No. 7

Dear Senator Bumpers:

Fisher Research Laboratory is the world's oldest manufacturer of Metal Detectors. As such we have been supplying industry, municipalities and government agencies with underground detection equipment for over half a century.

We also provide metal detectors to Archeologists, Geologists, Prospectors and weekend hobbyists. I am concerned that S.7 will unfairly restrict their rights and have an adverse effect on our industry.

Federal Agencies already "manage" almost half of California's 100 million land acres. Public access and use is restricted on much of this land and rightly so. There can be no question that we have a duty to save wildlife, wilderness and resources for future generations.

I agree with Senator Cranston that we should extend Federal protection to those very specific areas harboring endangered species or important archeological sites. His bill however is much more medicine than the problem deserves. He has chosen to arbitrarily "protect" millions of more acres of "public" land from the public. Whether or not there is a genuine need to do so.

I've been a backpacker, outdoor photographer and environmentalist most of my life. I'm outraged,as I'm sure you are, by stories of wanton destruction of the desert by vandals. I believe that the guilty should be punished severely. However, this bill is not the answer. It's over kill. It's unnecessary

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and it's unfair to the thousands of citizens who want to enjoy the land which supposedly belongs to the people anyway. In the case of the metal detector industry, overly restrictive legislation such as S.7 threatens our jobs as well as our hobbies.

Please consider this letter the very strongest possible encouragement to kill Senate Bill No.7. Or at the very least, limit its scope to something more in line with the "problem" it attempts to solve.

It is my understanding that the Federal Land Management Policy Act of 1976 Directed the BLM to submit recommendations regarding how much B LM Land should be added to the nation's wilderness area system. I also understand that the BL M is working diligently on these recommendations that they will be complete in the next year or so.

It would seem that the intent of this directive overlaps that of S.7. Would it not make a lot of sense to wait for the B LM recommendations?

We have an obligation to preserve California's beautiful desert. But the way to do it is not by putting it in a vacuum for the exclusive enjoyment of an elite few.

Respectfully,

Jim Lewellen
President and General Manager
Fisher Research Laboratory

JL/ph

cc Dick Stout, F MDAC

white's electronics, inc.

1011 Pleasant Valley Road   Sweet Home, Oregon 97386   TWX 510-590-0890

Phone (503) 367-2138 / 367-6121

July 10, 1987

The Honorable Dale Bumpers, Chairman
Sub-Committee on Public Lands & Reserved Water
United States Senate
Energy and Natural Resources Committee
3104 Dirksen Senate Office Building
Washington, DC 20510

Re: ***Senate Bill 7***
The California Desert Protection Act of 1987

Dear Senator Bumpers:

The above Bill is of great concern to our industry. Specifically the parts of it that restrict the sport of metal detecting on public lands. While we believe that education is essential in the protection of these precious resources, legislation that limits or outlaws the amateur archeologist is unnecessary and reaches too far.

Metal detector manufacturers, specifically White's Electronics, have waged an aggressive, active campaign to educate the public. Each of our Dealers are urged to issue technical as well as ***ethical*** training to our end users. Each instrument is packed with a **"Code of Ethics"** sticker as well as covering proper techniques and ethic issues in the instruction manual. Our efforts are only the beginning of the educational process that is continued with the Federation of Metal Detector & Archeological Clubs.

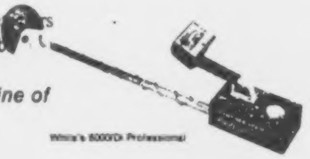
With the sponsorship of manufacturers and users, the Federation holds seminars, organized educational opportunities, and public relations events. All of their efforts are structured to educate the metal detector consumer.

We urge you to consider the efforts and the ***rights*** of over 550,000 active metal-detector users in the United States today.

Sincerely,

Kenneth G. White
President
WHITE'S ELECTRONCS, INC.

mph
cc: Dick Stout
Federation of Metal Detectors
& Archeological Clubs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The World's Finest Line of Mineral & Metal Detectors

Senator **Bumpers**. Thank you, Mr. Stout.

Ms. Ortner-Kubler, let me ask you this.

As to the Indian Canyons National Historic Site, if you had your choice and could tell me what you think the highest and best use to which that property could be put, what would you say?

Ms. **Ortner-Kubler**. I feel that due to the fact that our Indian Canyons, Murray, Andreas and Palm, are held in trust for the tribe by the Federal Government that the land adjacent to this be developed as individual allotted land, and the project that is proposed for this development now is the highest and best quality.

I have seen this development come when I was on the Planning Commission and City Council for a very high dense city project to a high quality destination resort project. This is the highest quality. There are other projects in the area being approved now that are of a lot lesser quality than this, and I would hate to see happen in this area what I have seen down through the years in section 14, which is downtown.

We have never been able to have a total development on that. If you visit our town, you know that you have a wonderful development in one place, and right adjacent to it you have nothing.

So I personally feel that this is adequate and because of the fact it does not enter into our canyons at all. It is only on the cone.

Thank you.

Senator **Bumpers**. I have never been there, but I have seen some magnificent photographs of the area. If it is half as beautiful as the pictures indicate it is, it seems to me that it would be a real tragedy.

Now, I am one who is most reluctant ever to condemn property. In this case, this property is not going to be condemned. You understand that, do you not? Here is the way the legislation reads. "The Secretary of the Interior shall exchange such public lands or interest in lands as are approximately equal value and selected by the State of California"—oh, oh, sorry. Here it is.

> Upon the enactment of this title, the Secretary of Interior shall enter into negotiations to acquire by exchange the privately owned lands or interest there within the national historic site designated by subsection A.

So the bill would provide for an exchange of other lands of comparable value. It might be a lot more land than the 497 acres embraced in that.

As I say, it pains me always to suggest that we condemn on exchange or for cash anybody's property and particularly Indian tribes' lands that are in trust or anything else. By the same token, you know most of the things that have happened in this country along these lines have always been unpopular. They thought The guy who thought up Central Park in New York was crazy. The same is true for the Commons in Boston.

I am a southerner, and we resisted very stoutly, as you know, the abolition of slavery. That was a very unpopular thing to abolish slavery then. I am not saying that those are all analogous examples, but this is obviously a beautiful area. Based on what I know of it, I would sorely hate to see it become a country club and a golf course.

Are you familiar with or did you ever read the letter that Chief Seattle wrote to Franklin Pierce, the President of the United States in 1855?

Ms. **Ortner-Kubler**. Vaguely do I recall it. I have heard of it, but I do not recall it right now.

Senator **Bumpers**. Well, I will see that you get a copy of it.

Ms. **Ortner-Kubler**. Thank you.

Senator **Bumpers**. I think it is the most beautiful letter ever written regarding conservation, and it is sort of a two-edged sword because the United States through the President had written to Chief Seattle, Chief Stealth as he was known, and said we want to buy your land. He was offended by that, and that is the reason he responded.

He said, in effect, you know, you think anything is buyable with money; but how do you put a value on this land? How do you put a value on the fluttering insects' wings and the rippling sound of waters and the sound of the hoot owl at night and so on.

He said to the white man one acre is just like any other acre of land, but this land is precious to us. Our ancestors are buried here. You want to take it, and then you will move on to something else after you destroy it.

In any event, I am going to see that you get a copy of that because it is a two-edged sword. He did not want to sell the Indian lands, but by the same token he understood the value of not destroying the habitat.

So I respect you opinion and your thoughts about this. I give you that not as a lecture but simply to point out another view.

Ms. **Ortner-Kubler**. I certainly appreciate what you are saying, Senator Bumpers. I have no problem with anything that you have said. By the same token, I feel that people that are developing around this area, and the tribe will no doubt itself develop in that canyon area, that these individual allottees have the right that the rest of us have. It has taken about 20 years for our city to grow out, and this is just adjacent to the city line. It has taken that long.

Now, you have projects out there on 10 and 20 acres, and you will preserve more in the development, and I am so sorry that we do not have it here to show you, but we will be happy to show you in correspondence regarding this. I think that you would realize that we are not destroying. We are preserving, because that could very well be taken and split up in little projects of a lesser quality than this.

You are going to have open spaces. You have in other areas of the desert, and you leave that in that desert area. It is put back. They have such techniques today that it is not very long until all of that habitat is back.

Plus the fact that we have one of the largest environmental impact reports that has ever been presented to the County of Riverside. They have seen us address all of the very things, the archeological, historical and environmental things that you are discussing, and where I can appreciate what you are saying, this is still going to be open space. It is going to still give the public a chance to go in and enjoy our canyons. They have been trespassing for years over all of this allotted land.

So you cannot please everybody, and I totally understand that, but by the same——

Senator **Bumpers**. You ought to try sitting in this seat for a while and see how difficult it is.

Ms. **Ortner-Kubler**. Having been an elected official, I understand. Incidentally, I have grandchildren in the State of Arkansas, and they speak very highly of you.

Senator **Bumpers**. Are they old enough to vote? That is all I am interested in. [Laughter.]

Ms. **Ortner-Kubler**. Yes, they are. They are voting. As a matter of fact, they would like to see you run for president, but that is neither here nor there.

Senator **Bumpers**. Well, Ms. Ortner-Kubler, we have a vote on, and so I want to thank you, and gentlemen, thank you for being with us.

We will stand in recess for 10 to 15 minutes until I can go vote, and we will come back and conclude with the last panel.

Thank you again very much.

[A brief recess was taken.]

Senator **Bumpers**. Is our last panel in place?

Mr. Milanovich, Mr. Badaracco, Mr. LaPre, Mr. Prather, Mr. Willis and Mr. Wilson.

Mr. Milanovich is Chairman of the Tribal Council, Agua Caliente Band of Cahuilla Indians. Would you please proceed?

STATEMENT OF RICHARD M. MILANOVICH, CHAIRMAN OF THE TRIBAL COUNCIL, AGUA CALIENTE BAND OF CAHUILLA INDIANS, PALM SPRINGS, CA, ACCOMPANIED BY ART BUNCE, TRIBAL ATTORNEY

Mr. **Milanovich**. Thank you, Mr. Chairman.

Mr. Chairman, Senator Wilson, members of the committee, my name is Richard M. Milanovich. I am the Chairman of the Tribal Council of the Agua Caliente Band of Cahuilla Indians, Palm Springs, California. With me is Mr. Art Bunce, tribal attorney. We are here today to voice the Tribal Council's opposition to section 603 of the proposed California Desert Protection Act. That section directly affects some of our members and a very significant part of the Agua Caliente Indian Reservation.

We would also like to comment on S. 7, not dealing specifically with section 603.

The Tribal Council's first difficulty with this bill, S. 7, is that section 603, which establishes the Indian Canyons National Historic Site, should be a separate bill rather than a part of this much larger bill.

The Federal Indian reservation lands involved in section 603 are the only Federal lands in the bill not owned entirely by the Federal Government. Instead, the United States holds these estimated 440 acres in trust as allotments for individual members of the band. The United States has no such obligation towards any other landowner. For this reason, these allotted lands are different from any other Federal lands in the bill and, therefore, should be the subject of a separate bill.

Our second difficulty is with the language of section 603 concerning compensation to the allottee-owners for the loss of their property. The bill speaks of an exchange of land of equal value, with a cash payment to make up any difference. The Tribal Council doubts if any available local Federal lands have the market value or development potential as do these estimated 440 acres, which are already under a lease for a major development.

Even if such exchange lands were available, the bill speaks of value rather than providing full just compensation for the allottees whose interest is more than just market value. Each trust allotment carries with it a vested property right to a tax exemption, water rights under the Winters doctrine, and freedom from local zoning. The present language of section 603 should recognize these additional elements of value but as presently written fails to do so.

Even if section 603 recognized these additional elements of full just compensation, it still lacks language directing the Secretary of the Interior to issue detailed regulations governing the exchange and valuation process. Such language was included when Congress authorized these allotments to be made in 1959, and this bill, S. 7, lacks such regulations to guide the Secretary of the Interior in valuing and exchanging parcels.

Without such guidance, the valuation and exchange process will lead to disputes which could only be resolved by litigation.

We have also supplied language to your staff which would guarantee the same kind of tax exemption for these substitute lands or funds as Congress provided in the act of September 21, 1959, under which these allotments were first issued.

Our last concern with section 603 is that its language does not make it clear that both the land included in the Indian Canyons National Historic Site and the substitute lands acquired for the allottees will still be held in trust as part of the Agua Caliente Indian Reservation; nor does section 603 specify what the status of any of the lands will be if the cooperative management agreement is ever terminated. Appropriate language in section 603 would make it clear that both categories of land will continue to be part of the Agua Caliente Indian Reservation.

Lastly, the Agua Caliente Band has one comment regarding parts of S. 7 beyond section 603. On August 11, 1978 the Congress approved Public Law 95-341, the American Indian Religious Freedom Act. In this Act, the Congress declared that it shall be the policy of the United States to protect traditional Indian religious practices by providing access to sites, use and possession of sacred objects and the freedom to worship through ceremonial and traditional rites.

The practice of traditional religion requires access to sacred sites scattered throughout the California Desert and the use of materials gathered there. To guarantee that these rights as recognized by Congress in 1978 will be recognized in the proposed national parks and wilderness areas to be established, we ask that an express reference to such access and gathering under the American Indian religious Freedom Act be added to the bill, S. 7.

In conclusion, the Tribal Council has determined that in the best interest of the membership, we must oppose section 603 of S. 7. On behalf of the Tribal Council, I thank this committee for its time and consideration of our views concerning our reservation lands.

Thank you.

Senator **Bumpers**. Thank you very much.

Mr. Badaracco.

STATEMENT OF ROBERT J. BADARACCO, RECREATION PLANNER, SAN LUIS OBISPO, CA

Mr. **Badaracco**. Mr. Chairman, I am Robert Badaracco. I am from San Luis Obispo, California. I have served with both the National Park Service and the Bureau of Land Management. I was the head recreation planner with the BLM's Desert Plan staff that worked on the Desert Plan.

I would like to address the question, how do the American people feel about protection of the California Desert. A number of groups have testified here today, and we have heard a number of thoughts about what the American people want out there in the California Desert. I think I have some information to lend some light here.

In 1975 I first sought to shed light on this question through a statewide public opinion survey. Some Bureau officials and some consumptive user groups believed that the general public cared little about the California Desert and regarded it as a wasteland. Results of this first statewide poll conducted by Field Scope, Mervin Field, showed quite otherwise. The public said the desert should be protected.

Conversely, our first survey indicated very negative use toward damaging the uses in the desert, such as mining and uncontrolled offroad vehicular play.

In 1977 after several challenges to our first poll by consumptive user groups, we undertook a second survey, rephrasing a few questions to satisfy a number of critics. Results showed an increase in concern for desert resources. Seventy-eight percent of those sampled called of more protection of desert wildlife and ecology.

Later in 1977, we conducted a nationwide Gallup Poll, and survey results went up again. Eighty-two percent of the American public said they wanted the California Desert protected.

Our final survey was done in 1978. It targeted desert residents to test the common belief that desert residents care little about desert resources, since many of them are economically dependent upon consumptive activities in the area.

Even in the desert region, however, we found a dominant sentiment for desert protection. In fact, those calling for more preservation of resource values exceeded by 60 points those who wanted more mining. Mining actually had a negative score, a minus 2.

Americans' concern for parklands and protection of critical resource areas has continued to increase to the present day. In May 1986, President Reagan's Commission for the Out of Doors found that 97 percent of American citizens want their government to preserve natural areas for future generations.

Gentlemen, 60 years ago Frederick Law Olmstead recognized the unique qualities of the California Desert. He said of this area, "it possesses a subtle and distinctive charm, in part dependent upon spaciousness, solitude and escape from the evidence of human control and manipulation, a charm of constantly growing value as the rest of the earth becomes more dominated by man's activity. Only public action on an adequate scale", he said, "can preserve this heritage for the people of centuries to come."

Senators, I urge your committee to approve S. 7, to provide the psychological breathing space that people of this country so desperately desire and to leave a bequest of beauty from our generation to those who are yet to come.

Thank you.

[The prepared statement of Mr. Badaracco follows:]

Statement by Robert J. Badaracco
to the
Senate Committee on Energy and Natural Resources
onthe
California Desert Protection Act
July 23, 1987

I am a native Californian, presently a resident of San Luis Obispo. For the past thirty years I have worked in the field of parks, recreation, and natural resource management as a ranger, naturalist, educator, planner, and administrator. I have served with the National Park Service and the Bureau of Land Management. From June, 1974 to June, 1979, I was the head recreation planner for the Bureau of Land Management Desert Plan Staff during the preparation of the California Desert Plan, which was authorized by Congress under the Federal Land Policy and Management Act of 1976. In that capacity, I was responsible for studies in wilderness, visual resources, recreation, education and research, and public opinion. I am pleased to submit my comments to you and to convey my support of the California Desert Protection Act, S.7 and H.R. 371.

In the five years that my staff and I inventoried the resources of the California Desert, we came to know it well. In retrospect, I still marvel at the outstanding assemblage of natural and cultural features that exist within this twenty-five million acres. I have worked in seven national parks and visited many others. No doubt exists in my mind that the lands recommended for national park status in the California Desert Protection Act merit the proposed designation based on their intrinsic values, and that the lands proposed for wilderness designation are wild areas whose values are underscored by their nearness to the Los Angeles megalopolis. I've walked through many of these areas without sight or sound of another human being despite their proximity to major highways. The silence and stark beauty of these mini-wildernesses is a remarkable counterpoint to the busy California that surrounds them. I should not be surprised if in the future they become the most used, and perhaps enjoyed, wilderness areas in the United States. Their value as psychological breathing space for a rapidly urbanizing America cannot be over estimated.

In May of 1979 my staff completed studies of four areas in the California Desert for purposes of determining their suitability as inclusions in the National Park System. We came to study these areas because of an almost universal recognition of their unique values by those familiar with them. The areas studied were: Eureka/Saline Valleys, the East Mojave, Orocopia/Mecca Hills, and Trona Pinnacles.

The Desert Plan Staff report on the Eureka/Saline area concluded:

> "The Eureka/Saline complex contains an astounding variety and quality of natural and cultural resource values. Application of National Park Service criteria for park evaluation and analysis of natural and cultural themes represented by

> the area lead to the unavoidable conclusion that the area qualifies for inclusion into the National Park System as a National Park, or as an addition to Death Valley National Monument."

A final report for the East Mojave area, which listed no less than twenty major themes (a theme being a nationally significant aspect of America's natural or cultural heritage exemplified in the area) made this summary statement:

> "It is the conclusion of the Desert Plan Staff that cultural and natural resource values of the East Mojave Study Area are so diverse and so outstanding that the area readily qualifies for National Park or Monument status."

Our staff reports determined that the Orocopia/Mecca Hills might best be considered as additions to Joshua Tree National Monument and that the Trona Pinnacles would qualify for inclusion in Death Valley National Monument or as a separate National Monument.

Preceeding our Desert Plan studies, a study of the East Mojave by the California Department of Parks and Recreation determined that it was a "landscape region of statewide significance, worthy of national park status." The study also recommended the area for inclusion in the State Park System. However, as a result of subsequent, intensive planning in the area by the Bureau of Land Management the State dropped its proposal for acquisition.

In 1977 citizens petitioned congressman George E. Brown, Jr. of California to transfer the East Mojave from BLM to National Park Service management. Legislation was submitted late in the 95th Congress, but no action was taken.

In the early days of the desert planning studies, I was struck by the manner in which public input was sought and factored into critical planning decisions. It was clear that the voices of special interests were loud, clear, and heard. It was not clear that the general public was being heard. Consumptive resource users of the desert who typically dominated public meetings and the planning process insisted there was little use of or concern for "desert wastelands" by the general public.

In an effort to shed some light on this matter, I sought and obtained permission from the Bureau's State Office to commission a statewide public opinion survey on attitudes toward the California Desert. Our first survey conducted in 1975 by Mervin Field, publisher of the monthly California Poll, astounded special interest groups and Bureau professionals alike when it showed overwhelming statewide concern for the protection of desert resources -- wildlife, scenery, natural features, etc. Correspondingly, survey respondents indicated a strong negative view toward potentially damaging uses, such as mining, oil exploration, commercial development, and unmanaged off-road vehicular use.

Some interest groups reacted with shock and hostility to the Field Poll of 1975, insisting that it was rigged, inaccurate, or poorly done. The poll and methodologies were then sent by the Bureau to three universities for independent review, and the unanimous response was that the survey was a fair and proper one.

Nevertheless, in 1977, we undertook a second statewide public opinion survey by the Field Corporation as a test not only of the validity of the first survey but of the constancy of the views expressed by the public. Questions were rephrased slightly to satisfy a number of critics. The results of this second poll showed a slight increase in the intensity of the general public's sentiment for the protection of desert resources. Seventy-eight percent of those surveyed called for more "protection of desert wildlife and ecology." Further, this second study also showed substantial recreational use of the desert by statewide residents. Between a third and a half of them indicated previous visits to the California desert for such activities as sightseeing, picnicking, and driving for pleasure.

Later in 1977, I obtained permission from the Bureau to conduct a nationwide Gallup Poll on attitudes toward the California Desert. The California desert had been achieving higher levels of notoriety with each passing day, and many people now insisted it was a national resource. The nationwide survey resulted in still higher levels of public concern for desert resources, with 82% of those surveyed indicating a wish for more protection of the desert.

Finally, a survey of California Desert residents was completed in December, 1978 by SRI International. Interest groups disgruntled over three previous surveys, had suggested that since statewide residents and nationwide residents were sampled, the same should be done for those who reside in the desert. A feeling existed that strong support for consumptive activities would emerge from a survey of desert residents since it was believed that local economies are tied to commercial activities in the desert.

Again, survey results indicated a strong public mandate for protection of desert resources. Sentiment for desert protection had dropped only thirteen points below that found in the national survey. Fifty-eight percent of desert residents sampled called for more protection, exceeding by 27 points those who called for more energy development and by 60 points those who called for more mining. (Mining actually had a negative score, a minus two.)

In May, 1986, Market Opinion Research, published a nationwide survey of public attitudes toward the outdoors in connection with a study by President Reagan's Commission on the American Outdoors. In this random national sample, 97% of those interviewed said that "local, state, and national governments should preserve natural areas for use by future generations." Ninety-six percent said that "preservation of the natural environment is important to recreation." Eighty-seven percent of those sampled said they would be willing to pay more taxes to preserve natural areas in this country.

Currently, The State of California is developing a new outdoor recreation plan. A statewide survey on recreation and open space has just been completed, and is not yet published. While precise figures are not yet available, I am told by colleagues in the state office that results of the study are in accord with the previous studies I have just cited: the sentiment for preservation of unique resources was described to me as "overwhelming."

These public opinion surveys, which now span a decade, show strong and constant public support for the protection of the California Desert. S.7 and H.R. 371 will give the California Desert the protection the public wants, and it will insure the right of future generations to enjoy this unique national resource.

The Eureka/Saline Valleys and the East Mojave should be given National Park Status not only because these remarkable areas merit the status of national parks but because the National Park Service is the agency best suited to manage these fragile lands. The East Mojave National Scenic Area Draft Plan, just issued by the Bureau of Land Management, clearly demonstrates the inability of the BLM to deal with unique natural areas such as the East Mojave. Instead of molding its management to match the outstanding values of the resource, the resource will be managed to fit the multiple use philosophy of the Bureau, which in the case of the East Mojave seems quite inappropriate.

Proposed wilderness areas in the California Desert Protection Act have few roads and little or no commercial value. They can be exploited by commercial and inappropriate uses for small returns now, or they can be set aside, protected, and managed for human enjoyment for generations to come.

As far back as 1928, Frederick Law Olmstead, designer of New York's Central Park, recognized the qualities of the California Desert. He said, "Certain desert areas have a distinctive and subtle charm, in part dependent on spaciousness, solitude, and escape from the evidence of human control and manipulation of the earth, a charm of constantly growing value as the rest of the earth becomes more completely dominated by man's activities...Only public action on an adequate scale can preserve this heritage for the people of the centuries to come..."

I urge your committee to approve S.7 and H.R. 371, the California Desert Protection Act.

Senator BUMPERS. Mr. LaPre.

STATEMENT OF DR. LAWRENCE FRANKLIN LaPRE, CONSULTING BIOLOGIST, SAN BERNADINO VALLEY AUDUBON SOCIETY, RIVERSIDE, CA

Dr. LAPRE. Mr. Chairman, members of the committee, Dr. Lawrence LaPre, representing the San Bernadino Valley Audubon Society. We are based in Redlands, California. Our membership area includes all of San Bernadino and Riverside Counties, which is a very large part of the California Desert Conservation Area.

I am employed as a professional biologist in the private sector, where I conduct environmental assessments and biological studies for developers, utilities, industrial clients, mining operations and government operations such as the Bureau of Land Management. In that capacity, I have two major roles: one, to do field work on vegetation and wildlife, followed by an analysis of regulations, policies and laws such as the Endangered Species Act.

Given that background, I want to introduce a single concept and make a single point. The concept is that of habitat fragmentation, and the thesis is that the Bureau of Land Management cannot prevent habitat fragmentation because of its mission, using the examples of wide-ranging species, long-lived species and those with specialized habitat through this point.

Now, by wide-ranging species I mean animals like the golden eagle, occupying between 25 and 100 square miles; the kit fox in a dense population is one natal den per square mile; badgers and bobcats of several square miles each. The gradual degradation of their habitat by multiple use leads to gradual loss of these species, which are mainly predators.

I turn to the ultimate in a wide-ranging species, bighorn sheep. These animals can take an entire mountain range; indeed, they go between mountain ranges. The creation of roads, encroaching urbanization, mining, and offroad vandals effectively prevent bighorn from crossing between ranges, leading to genetic isolation and many manipulations by the Department of Fish and Game to maintain healthy populations.

Now, the mandate of the Bureau of Land Management for multiple use prevents this agency from limiting the uses to those that can be tolerated and compatible with wide-ranging species. The mandate of the Wilderness Act is just the opposite. It is to create large areas of habitat.

An example of a long-lived species that needs undisturbed areas, large undisturbed areas of flat terrain is the desert tortoise, our state reptile. This animal is extremely susceptible to roads. Studies have found that all tortoises are eventually eliminated within one-half mile of a paved road. In many areas I have studied, there are two to three miles of road per square mile. That is within BLM habitat managed for the desert tortoise.

I conclude by saying large areas, repeating, large areas of undisturbed habitat are necessary for these species, and that is exactly what wilderness studies are; areas of 5,000 acres or more in an essentially roadless condition. Approval of the Cranston bill will pre-

Habitat Fragmentation in the California Desert

Lawrence F. LaPre, PhD

The needs of many species of wildlife cannot be met with multiple use management. Those animals with large home ranges, specialized habitats, or long-lived species are especially vulnerable.

One example of a wide-ranging species that suffers from habitat fragmentation is the bighorn sheep. The creation of roads, encroaching urbanization, mining, and off-road vehicles effectively prevents bighorn from crossing between mountain ranges, causing genetic isolation and ultimate herd reduction. Opportunities still exist for creation of travel corridors between ranges for bighorn, especially in the East Mojave. The mandate of the Bureau of Land Management for multiple use prevents this agency from limiting uses, whereas the National Park Service has the protection of natural resources as its top priority.

Another example of a long-lived species that needs large undisturbed areas of flat terrain is the desert tortoise. This animal is density-dependent, that is, it needs to be present in large populations to effectively reproduce. Habitat for the tortoise is fragmented into small cells generally bounded by roads, cities, or mining operations, and long-term survival of healthy populations is doubtful. Over time, collisions with vehicles, including the crushing of juveniles in their burrows, takes a toll on the poulation that depletes it beyond recovery.

Wildlife requiring specialized habitat, such as the fringe-toed lizard on sand dunes, cannot live elsewhere, so require single-purpose management in order to survive.

Finally, wide-ranging species, including golden eagle, bobcat, kit fox, and badger, have home ranges of several square miles. Gradual degradation of their habitat by multiple use leads to gradual loss of these species, which are mainly predators. Large areas of undisturbed desert are required to support such animals. This is what Wilderness Study Areas are: areas of 5000 acres or more in an essentially roadless condition. Approval of the Cranston bill will preserve these roadless areas with the wilderness classification, ensuring the survival of wildlife at all trophic levels for posterity.

serve these roadless areas within the wilderness classification, insuring the survival of wildlife at all levels.

Thank you.

[The prepared statement of Dr. LaPre follows:]

Senator **Bumpers**. Gentlemen, I apologize for this, but we have another vote, and I only have five minutes to get to the floor. I will run and vote, and I will be back as quickly as I can, and we will conclude with the remaining three witnesses.

We stand in recess for 10 minutes.

[A brief recess was taken.]

Senator **Cranston** [presiding]. The committee will please come to order. I want to apologize to those witness whom I was unable to hear personally because I had to go to the floor to deal with some issues. I will acquaint myself with that testimony.

We will now proceed with the final witnesses on the final panel, first hearing from Michael Prather, school teacher from Lone Pine, California.

STATEMENT OF MICHAEL PRATHER, TOIYABE CHAPTER OF THE SIERRA CLUB, LONE PINE, CA

Mr. **Prather**. Thank you, Senator. I kind of feel like I was on the foul line during a basketball game, and the time out was called twice as I was about ready to get up there and make the shot, but I will do the best I can. I just had a huge drink of water.

My name is Michael Prather, and I am here today speaking on behalf of more than 2,000 members of the Toiyabe Chapter of the Sierra Club, which includes the Eastern Sierra and the Northern Mojave Desert.

I also speak as an individual who lived and taught in Death Valley National Monument for eight years and now lives in Lone Pine where I have taught for the last seven.

During the 15 years I have lived in Inyo County, I feel I have gotten to know the people quite well and them land itself. In addition, having lived in Death Valley, I feel that I gained a lot of knowledge and a tremendous respect for the National Park Service and the way that they run their mission.

The Toiyabe Chapter of the Sierra Club supports fully the proposed expansion of Death Valley National Monument and its redesignation as a national park. The addition of Eureka Valley with its 700 foot high sand dunes and Saline Valley with its salt mash which is home at some time of year to over 125 species of birds, Hunter Mountain with its rich cultural resources, and northern Panamint Valley round out the western boundary of this spectacular area. I personally have led field trips into these lands, and I can attest to the rich resources and to the awe that they inspire to all that visit them.

To the east, adding the southern end of the Funeral Range to include Pyramid Peak as well as adding Greenwater Valley with its ocean of creosote bush is an idea whose time has come. I have climbed Pyramid Peak and have seen many of the rare plants and fossils associated with its limestones as well as signs of bighorn sheep. For nearly 15 years I have conducted breeding bird surveys for the U.S. Fish and Wildlife Service in Greenwater Valley where golden eagles and prairie falcons wing their way through this wonderful wildland.

The Toiyabe Chapter also supports the designation of BLM wilderness areas as listed in S. 7. In particular, we point out that the

Inyo Mountains rising to 11,000 feet above Owens Valley, and from their summits, standing among bristlecone pines, you can look westward toward the Sierra Nevada or eastward down into Saline Valley 10,000 feet below.

A forum on the Desert Protection Act was held in Lone Pine, California on October 4, 1986, and it resulted in an evenly split audience according to the Annual Register's October 8, 1986 issue. Citizens in Inyo County are looking at choices for the future. Some are actively seeking a prison in Southern Inyo. Others are seeking a low level nuclear waste dump, but more and more are thinking that the protection of the desert as a resource to attract visitor dollars is an idea that sounds like a good one.

I say let us start with the passage of S. 7 and use it not only to protect our land and wildlife but to protect our economic future as well.

In closing, we do not inherit the earth from our ancestors, we borrow it from our children. That is not an original thought but it is a beautiful one.

I would like to ask, Mr. Chairman, if I could add two things into the record. One of them is a memorandum from the National Resources Defense Council dealing with current rewrites of regulations on grazing by the Bureau of Land Management. It paints the picture of BLM as one that is unnerving to us that have dealt with the public lands. It shows the undoing of many of the grazing protections that we have seen in the past. I would like to ask if that could be entered in the record.

Also, a letter from the County of Inyo Treasury Tax Collector, John Tracy, to the Inyo County Board of Supervisors dealing with the impacts of the desert bill on the debt tax situation that I find very favorable for the legislation.

Senator CRANSTON. Both items will appear in the record.

Mr. PRATHER. Great. Thank you.

[The prepared statement of Mr. Prather follows:]

STATEMENT OF MICHAEL PRATHER REPRESENTING THE TOIYABE CHAPTER OF THE SIERRA CLUB ON S.7 THE CALIFORNIA DESERT PROTECTION ACT BEFORE THE SENATE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS ON JULY 23, 1987.

Mr. Chairman and Committee Members,

My name is Michael Prather and I am here today speaking on behalf of the more than 2000 members of the Sierra Club's Toiyabe Chapter which includes the Eastern Sierra and the northern Mojave Desert. I also speak as an individual who lived and taught school in Death Valley for 8 years and who now lives in Lone Pine, CA where I have taught school for 7 years. During the 15 years I have lived in Inyo County, I feel I have come to know the country and the people well. While living in Death Valley National Monument for 8 years I gained immense respect for the National Park Service and its dedication to protection of the resources it manages. Whether inventorying rare plants, managing Bighorn Sheep or solving the burro problem, there were always quality people doing a quality job.

A choice between the National Park Service and the Bureau of Land Management has proved itself necessary due to the history of BLM management in our county. Unsecured cyanide barrels and illegal water use at the Keynot Mine in the Inyo Mountains were discovered by hikers in the area and not the BLM. Several miles of illegally bulldozed road was discovered by visitors in the Saline Valley, not the BLM. An attempt to open the sensitive Panamnint Dunes inside a Wilderness Study Area to off-road vehicles by the BLM had to be overturned by the IBLA. Each of these examples denies the opportunity to have confidence in the Bureau of Land Management. It seems at this time that it is necessary to shift some areas from BLM to the National Park Service protection that the Park Service can guarantee. Wilderness protection by the BLM of areas outside the National Parks, however, should be practical given the clear direction of the 1964 Wilderness Act.

So it follows that the Toiyabe Chapter of the Sierra Club supports fully the proposed expansions of Death Valley National Monument and its redesignation as a National Park. The addition of Eureka Valley with its 700 foot high sand dunes, Saline Valley with its salt marsh which is home at some time of the year for over 125 species of birds, Hunter Mountain with its rich cultural resources and northern Panamint Valley round out the western boundary of this spectacular area. I personally have lead trips with the California Native Plant Society and the Eastern Sierra Audubon Society into these areas and can attest to their rich resources and their ability to inspire the people who visit them. To the east,adding the southern end of the Funeral Range to include Pyramid Peak, as well as adding Greenwater Valley with its ocean of Creosote Bush and of course all the other fine areas surrrounding the Monument is an idea whose time has come. I have climbed Pyramid Peak and saw many of the rare plants and fossils associated with its limestones, as well as signs of Bighorn Sheep who live in that high country. For nearly 15 years I have conducted Breeding Bird Surveys for the U.S. Fish and Wildlife Service in Greenwater Valley where Golden Eagles and Prairie Falcons wing their way through this wonderful wildland.

Development in these park additions should be absolutely minimal, thus protecting their primitive nature. Staging areas for visitors and the National Park Service should be from the towns of Lone Pine and Big Pine where existing support facilities are already located.

Economic benifits should be considerable to the Owens Valley communities of Inyo County from a new and expanded Death Valley National Park. The winter season is when increased business is needed after the busy summer season has passed and the proposed park additions are primarily winter areas.It is hoped that Lone Pine and Big Pine as well as other nearby towns could experience the kind of increase in tourist dollars that Moab, Utah and Ely, Nevada have seen when new parks were created near them. At present over 85% of the economy of Inyo County is based on recreation according to the Bishop Chamber of Commerce.

According to Inyo County Assessor Jack Clay the loss of revenue from grazing and mining due to S.7 would be negligible. According to Inyo County Treasurer/Tax Collector John Treacy the concessions inside the park would not be acquired as per National Park Service policy and in the unlikely event that they were, they would probably produce increased revenue as was the case in the acquisition of Stovepipe Wells Resort. It produced a net increase in revenue due to its reassessment that was required by Proposition 13. There is also no implied risk to Inyo County's bed tax.

We also support designation of all the BLM wilderness areas as listed in S.7. Our deepest interest is of course focused on those wildernesses proposed in Inyo County. The Inyo Mountains with their ancient Bristlecone Pines rise to 11,000 feet above the Owens Valley and look across at the Sierra Nevada. Water running in the canyons supports an endemic salamander and many other species of wildlife. The Darwin Falls Wilderness Area has a perennial falls pouring hundreds of gallons per minute into the sandy canyon floor. The Malpais Mesa Wilderness Area hosts Joshua Trees growing out of old basalt lava flows. Inyo County seems to have more than its share of lands needing the protection ofwilderness and hopefully we will see them protected for future generations.

A Forum on the Desert Protection Act held in Lone Pine, CA on October 4,1986 was evenly split according to the Inyo Register's October 8,1986 edition. Times are hard for parts of Inyo County at the present and citizens are looking at choices for the future. Some are actively seeking a new prison to be built in southern Inyo County. Others seek a low-level nuclear waste dump. But many are thinking that protection of the desert as a resource to attract visitor dollars is an idea that sounds like a good one. We need a balance of choices. Let's start with the passage of S.7 and use it to not only protect our land and wildlife, but protect our economic future as well.

Natural Resources
Defense Council

90 New Montgomery
San Francisco, CA 94105
415 777-0220

MEMORANDUM

TO: Persons Concerned About BLM-Managed Rangelands

FROM: David Edelson, Johanna Wald, and Faith Campbell, NRDC

RE: Comments Needed on Proposed BLM Grazing Regulations

DATE: June 22, 1987

The Bureau of Land Management (BLM) is proposing to amend its regulations governing the management of livestock grazing on public lands throughout the western United States. As you know, poorly managed grazing is having a serious adverse impact on many of these lands and their resources, including wildlife habitats, riparian areas, areas of critical environmental concern (ACECs), and rare plants. The proposed rules, published in the Federal Register on May 20, 1987, would eliminate crucial regulatory constraints on grazing use at the expense of wildlife, recreation, and other multiple use values. If adopted as final regulations, these proposals will institutionalize the current administration's approach of managing the public lands primarily to benefit livestock grazing and would be binding on future administrations.

If you care about the diverse resources of the public lands, we urge you to oppose the proposed amendments. Written comments should be sent to Director (140), BLM, Room 5555, Main Interior Building, 1800 C Street, N.W., Washington D.C. 20240, and must be received by July 20, 1987. In the past, strong public opposition has led the Bureau to abandon damaging proposals. Even a brief letter or postcard can make a difference. Thanks for your help.

SUMMARY OF MAJOR PROBLEMS

1. The proposed rules would allow overgrazing and resource degradation by deleting the longstanding policy that grazing use shall not exceed the area's grazing capacity. In addition, the rules would deny BLM managers authority to reduce grazing use in order to protect multiple use values, such as wildlife or ACECs.

2. The proposed rules would gut the land use planning process, which is the primary means for protecting multiple use values on BLM rangelands. The BLM would no longer be required to allocate forage to wildlife, wild horses and burros, and non-consumptive uses during the planning process. Virtually all available forage could be consumed by livestock.

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3. The proposed rules would resurrect the "cooperative management agreement" (CMA) program, under which ranchers are allowed to share in managing the public lands. The history of abuse of the public lands by ranchers suggests that this program will lead to significant resource damage.

4. The proposed rules would delete the BLM's existing authority to punish ranchers convicted of violating environmental laws by cancelling their grazing privileges. Retention of this authority is needed to discourage ranchers from killing wild horses and burros, applying herbicides illegally, etc.

5. The proposed rules would reduce significantly the penalty charged to those who graze illegally, thereby encouraging environmentally harmful grazing use and reducing returns to the U.S. Treasury.

6. The BLM failed to prepare an "environmental impact statement" (EIS) on the proposed rules, despite the fact that they will cause serious harm to natural resource values.

Below, we discuss these concerns in more detail. If you have questions or need additional information, please feel free to contact us.

I. THE AMENDMENTS WILL ALLOW OVERGRAZING AND RESOURCE DEGRADATION. In a blatant reversal of longstanding agency policy, the BLM is proposing to eliminate from the regulations the requirement that authorized livestock use must not exceed the area's grazing capacity. See 43 C.F.R. § 4130.6-1(a) (1986). (Indeed, all references to the concept of "grazing capacity" have been deleted from the regulations, without explanation.) The existing rule is crucial: it prohibits the agency from allowing overgrazing, which results in serious rangeland damage. The current ban on grazing in excess of carrying capacity is a central tenet of professional range management and has been included in the agency's regulations since at least 1972. The Bureau also proposed to delete this provision in 1983, but withdrew its proposal in the face of overwhelming public opposition and instead reaffirmed its policy that livestock use must not exceed the grazing capacity. We hope that strong opposition will achieve the same result this time.

The proposed regulations will allow excessive grazing in two other ways. First, they will eliminate the existing authority to curtail livestock grazing use in order to achieve "multiple use management objectives," such as protecting wildlife habitat, riparian areas, or ACECs. See 43 C.F.R. § 4110.3-2(b) (1986). Under the proposed regulations, grazing could be reduced only to prevent "undue or unnecessary degradation," not to protect multiple use values. The clear implication of this proposal is to allow livestock grazing that results in environmental harm, as long such harm is not considered "undue or unnecessary" -- a phrase that the courts have held imposes virtually no constraints on the BLM's discretion. This proposal violates the requirement of the Public Rangelands Improvement Act (PRIA) that the goal of livestock grazing management must be to improve range conditions, not to allow continued deterioration. See 43 U.S.C. § 1903(b).

Second, the proposed regulations would prevent the BLM from immediately reducing grazing levels, even in the face of serious resource deterioration. Under the proposal, grazing could be reduced only if all other measures, such as "range improvements," were ineffective in remedying the problem. This means we will see more fences, more water developments to open new areas to livestock, more seedings of monocultures, more chainings and the like -- all of which benefit livestock at the expense of wildlife. In addition, this proposal ignores the fact that, in some cases, reductions in livestock numbers are the only prompt and effective action to remedy ongoing range deterioration.

II. THE AMENDMENTS WILL GUT BLM'S LAND USE PLANS. The land use planning process is the primary vehicle for public participation in BLM decisionmaking with respect to all issues, particularly livestock grazing. In the past, land use plans provided an opportunity for limiting grazing use and ensuring that some forage was left for wildlife, wild horses and burros, and non-consumptive uses such as protection of soils and water quality. The proposed rules will render the plans so generalized as to be virtually meaningless.

First, the proposal would delete the current requirement that land use plans must allocate forage among livestock, wildlife, wild horses and burros, and non-consumptive uses. See 43 C.F.R. § 4110.2-2(a) (1986). This requirement, which has been in place since Congress gave the BLM a multiple use mandate ten years ago, ensures that plans address the needs of wildlife and other users of the public lands, not just the demands of livestock. Without this requirement, all available forage may be provided to livestock, leaving none for deer, antelope or elk and none for preventing soil erosion and protecting water quality and rare plants.

Second, under the proposal, the land use plan would no longer have a binding effect on grazing permits. Existing regulations provide that grazing permits must be subject to cancellation or modification if necessary in order to comply with the requirements or objectives of the land use plan. Moreover, both the Federal Land Policy and Management Act (FLPMA) and the PRIA require that grazing must be managed in accordance with land use plans. 43 U.S.C. §§ 1732(a), 1903(b). The proposed rules would give the Bureau discretion not to modify existing grazing permits even when the permits are in violation of the land use plan. This proposal would negate environmentally protective limits on grazing that are contained in land use plans, contrary to both FLPMA and PRIA.

III. THE PROPOSAL WILL ALLOW RANCHERS TO MANAGE THE PUBLIC LANDS. The proposed amendments attempt to resurrect the discredited "cooperative management agreement" program that was ruled illegal by a federal district court in 1985. The proposal is designed to allow ranchers an increased role in deciding how many livestock to graze on public lands and what constraints should be imposed on grazing. Although the program is ill-defined, the Bureau's clear intention is to allow ranchers to regulate themselves. According to the court's ruling in NRDC v. Hodel, 618 F. Supp. 848 (E.D. Cal. 1985), the BLM is required by law to manage grazing on the public lands and cannot delegate this responsibility to private ranchers. As the court held, Congress has ordered the BLM, not the ranchers, to manage the public lands, "apparently because after years of rancher dominance of range decisions, it found substantial evidence of rangeland detioration." Id. at 869. Given this history of overgrazing and abuse of the public lands by ranchers, allowing them a greater role in managing those lands is not only wholly unjustifiable but will undoubtedly result in a further retreat from true multiple use management.

IV. THE PROPOSAL WILL ALLOW RANCHERS WHO VIOLATE ENVIRONMENTAL LAWS TO RETAIN THEIR GRAZING PERMITS. The BLM's current rules authorize the agency to cancel grazing privileges of ranchers who have been convicted of violating any state or federal environmental law, including laws relating to protection of wild horses and burros, use of herbicides, and water and air quality. This provision established a necessary incentive to encourage ranchers to treat the public's resources with respect. Now, as in 1984, the BLM is proposing to remove its authority to revoke grazing privileges, except for violations of the Endangered Species Act and the Bald Eagle Protection Act. The court in NRDC v. Hodel overturned the Bureau's previous effort because the agency had failed to explain or justify its action. The BLM has still not demonstrated why this provision is no longer an effective deterrent to illegal actions by ranchers and should be urged to retain its authority to cancel grazing permits for violations of all environmental laws, particularly those relating to wild horses and burros and use of herbicides on public lands.

V. THE PROPOSED RULES WILL GIVE A WINDFALL TO TRESPASSERS. The rulemaking reflects the BLM's determination to subsidize livestock operators who graze the public lands at the expense of the environment and the Treasury, by proposing to reduce significantly the penalty to be charged those who graze illegally -- i.e., trespassers. Although the grazing regulations prohibit trespass, it is a widespread practice and can result in overgrazing as well as such environmental harms as loss of forage for wildlife, increased erosion, and damage to wildlife habitat areas, including riparian areas. Moreover, unless trespass is detected and penalized, the federal government loses the revenue it is entitled to receive for consumption of the public's forage.

The current regulations base the penalty for trespass on the fee for privately-owned forage. See 43 C.F.R. § 4150.3 (1986). The proposed rules would, instead, base the penalty on the far lower fee charged for federal forage -- a fee that is well below fair market value, as alleged in a pending lawsuit. NRDC v. Hodel, Civil No. S-86-0548 EJG EM (E.D. Cal.). Under the new rules, the penalty would actually be reduced -- for operators who deliberately and repeatedly trespass as well as for those who are "merely" careless -- thereby also reducing not only its deterrent effect but also the return to the government. This outrageous windfall is indefensible.

VI. THE BLM FAILED TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT. All of the proposed changes discussed above will result in harm to the public lands. For example, eliminating the requirement that livestock use must not exceed the grazing capacity as well as reducing the trespass penalty will result in increased grazing on the public lands. Other changes discussed above will reduce forage available for wildlife and other resource needs. Because the proposed changes will have a significant impact on the public lands, BLM is required by the National Environmental Policy Act (NEPA) to prepare an "environmental impact statement" analyzing these effects in detail. The agency's failure to do so denies the public and Congress of crucial information needed to assess the wisdom of the proposals, contrary to NEPA.

Item 2

JOHN TREACY
Treasurer-Tax Collector

TELEPHONE
(619) 878-0411

COUNTY OF INYO
OFFICE OF
TREASURER-TAX COLLECTOR
COURTHOUSE, INDEPENDENCE, CALIFORNIA 93526

Rec'd

Note: Items 1 + 2 given to R. Bergh on 3-12-87 prior to his leaving on 3-13-87 for Wash DC to lobby against the Cranston Bill for C.S.A.C.

March 10, 1987

TO: Inyo County Board of Supervisors
Inyo County Grand Jury

FR: John Treacy, Treasurer-Tax Collector John Treacy

In Re: Impact of the "California Desert Protection Act of 1987" (The Cranston Bill) on Inyo County Hotel Transient Occupancy Tax (Bed Tax)

The purpose of this memo is to clarify the potential impact of the Cranston Bill on Inyo County Bed Tax revenue.

The following information is based on a reading of the Cranston Bill and discussions that I initiated with: Mr. Ed Rothfuss, National Park Service Superintendent, Death Valley National Monument; Mr. Barton Hoppe National Park Service Regional Concessionair Manager, San Francisco; Mr. John Nicolini, Treasurer-Tax Collector, Tuolume County.

Background:

The current position of the National Park Service with regard to the Cranston Bill is as follows:

1. They feel that the B.L.M. is qualified to and capable of managing the wilderness under B.L.M. jurisdiction given sufficient funding.
2. If it is the desire of the U.S. Congress to have the Park Service manage additional wilderness lands in the Death Valley area as outlined in the Cranston Bill, the Service will require twenty-five (25) additional permanent positions and additional annual funding of $900,000.00. The Park Service feels that it will not be able to properly manage the proposed additional wilderness in the Death Valley area without the additional manpower and funding.
3. The Park Service recognizes that the additional wilderness area as proposed in the Bill is of appropriate quality and value to be included as part of the Service's public wildland inventory.

There are presently three (3) sources of bed tax revenue within the Death Valley Monument: Furnace Creek Inn, Furnace Creek Ranch and Stovepipe Wells. The land and improvements located at the Furnace Creek Inn and Ranch are owned in fee by Fred Harvey, Inc., an Amfac Company. The land and improvements located at Stovepipe Wells are owned by the Park

Service, and leased to Fred Harvey, Inc.

Bed Tax is collected by Fred Harvey, Inc. at all three locations. Annual bed tax revenue from the three locations represents 67% of the total Inyo County collections. Of the County's 1986-87 budgeted bed tax revenue totaling $485,000.00, the three locations in the Monument will collect $325,000.00.

The Park Service views the three concessions as consistent with and as a compliment to its management of the Death Valley Monument.

If the Cranston Bill passes and the wilderness areas are adopted:

1. The three concessions will be located within the access corridors along existing roads, and will therefore be outside the wilderness areas.
2. The Park Service would continue to view the three concessions as a compliment to the proposed National Park.
3. The Park Service, as a policy, does not purchase and operate concessions within its monuments and parks.
4. The three concessions would continue to collect Inyo County bed tax if the Monument were to become a National Park. (There is neither an exclusion nor exemption of the collection of bed tax in the Cranston Bill.)

Conclusion:

There is no implied risk of loss of Inyo County bed tax revenue associated with the passage of the Cranston Bill. In fact, the Park Service's long term management plan presently calls for twenty-four (24) additional motel units at Stovepipe Wells, eight (8) of which are to be constructed within one year.

Item 2

JHN TREACY
asurer-Tax Collector

Telephone
(619) 878-0411

COUNTY OF INYO
OFFICE OF
TREASURER-TAX COLLECTOR
Courthouse, Independence, California 93526

March 12, 1987

TO: C. Brent Wallace, C.A.O.
Keith Bright, Supervisor

FR: John Treacy
Treasurer-Tax Collector

Treacy

In Re: Park Service Fees & Management of Facilities in Death Valley
Comments of Ed Rothfuss, Death Valley Monument Supt.

The Federal policy that allowed the Park Service to retain, as part of its budget, park entrance fees had a one year sunset clause written into it.

Death Valley shared in the retention of entrance fees collected in other Park Service locations. It received a total of $58,000.00.

The head of the Parks service is presently trying to make the policy of retention of entrance fees permanent. In addition, he is trying to expand the policy to include campground fees and tour fees.

Therefore, this source of revenue is in no way related to the operation of present or future concessions within the parks and monuments.

Further, I am told that it would be unrealistic to assume that the federal government could operate the present concessions at a profit, since the profit margin is so low (less than 10%). The folks like Fred Harvey employee most of their staff at the minimum wage. The federal government would have to use federal employees at higher wages to operate the concessions. Therefore, it would mean that the federal government would be operating the concessions at a loss.

With regard to fee ownership of land vs. possessory ownership within the Monument: In the case of the purchase of Stovepipe Wells by the Park Service, the actual tax revenue increased due to the reassessment under Jarvis, because the prior ~~owner had owned~~ the property prior to the passage of Jarvis.

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land.

The same would occur if the Park Service obtained fee ownership of Furnace Creek Ranch and Inn...the tax revenue would increase. In addition, the possessory interest assessment would be re-evaluated upon the expiration of each lease, and could result in increased tax.

Senator **Cranston**. We will now hear from Dave Willis of Ashland, Oregon.

STATEMENT OF DAVE WILLIS, ASHLAND, OR

Mr. **Willis**. Senator, my name is Dave Willis.

Senator **Cranston**. I am going to apologize in advance. I am going to have to leave in the middle of your testimony, but I am glad to have it before me.

Mr. **Willis**. The use of offroad vehicles is a special concern to me as a physically handicapped person. In 1976 I was badly frostbitten. Half of each foot and half of each hand was amputated. Because of delicate grafting on what was left of my feet, walking distances without pain or eventual injury became a thing of the past for me.

This posed a unique challenge because I earn my living coordinating and leading backpacking, mountaineering and cross-country ski trips. So I have to use four wheel drive to help me in the next phase of my modified back country career. Do you know what I did with it, Senator Wilson? Let me tell you what I did not do. I did not drive it into unprotected and unpatroled defacto or designated wilderness and take up offroad vehicle recreation. How could I? Offroad vehicle travel recreates nothing.

As is demonstrated ably in the briefing book we have provided you with, offroad vehicle travel is destructive to wildlife, vegetation, soil, air quality and cultural resources. I do not follow the curious logic that gives me a right to further handicap the earth because I am handicapped. It is not the handicapped who are screaming that this bill locks them out, because it does not.

The odd thing about this bill is that it would allow me to drive into wilderness. Seven hundred miles of roads have been changed into wilderness areas. That means I can drive down 700 miles of road with wilderness on both sides of me. Quite a paradise.

Fifteen hundred miles of road are used as wilderness boundaries in S. 7. That means I can drive down 1,500 miles of road with wilderness on one side of me.

The entire multi-million acre bill closes only 1,500 miles of ways, and these are not even real roads but trespass trails on desert fragility. This Cranston Bill is not a road closure bill.

The bill has got to be the most handicapped-accessible wilderness bill in the history of the Act. Eighty-five percent of the area in the bill is within three miles of motorized access, and even if I did want to drive off road, Cranston's Bill still leaves me 800,000 acres.

This is not a three-part bill. It is a four-part bill: Joshua Tree, Mojave, Death Valley and the ORV Wasteland National Park.

I did not take my newly acquired four by four and use it to drive into wilderness. Instead, I got an old horse and an antique horse trailer. I put the horse in the trailer and pulled it to the edge of wilderness with my rig, and I kept coordinating and leading wilderness trips.

The rest of my written testimony, Senator, describes some of those subsequent trips. I hope you and the members of the committee will take the time to read it. These trips included backpacking and climbing trips for others with physical handicaps in which we discovered that "can't" is a four letter word.

I am submitting endorsements for S. 7 from other California groups that take trips with the disabled and work with the disabled: the Environmental Traveling Companions; Bighorn Wilderness Institute; and the Living Skills Center, also in California.

My testimony also mentions 10- and 12-day back country treks we have run in Joshua Tree, an area of obvious park quality surely in need of expansion.

"I have never been to Los Angeles", says Edward Abbey. "I always figured it would come to me."

Senator WILSON. Whose comment was that? Was that yours?

Mr. WILLIS. No, sir. Edward Abbey.

Senator WILSON. He is good.

Mr. WILLIS. Abbey, A-b-b-e-y.

The evolving desert plan is definitely not enough. The consumptive spirit of Los Angeles needs to be turned around. The desert is a good place to start. I urge you to speedy and positive action and your co-sponsorship, Senator Wilson, of S. 7.

Thank you.

[The prepared statement of Mr. Willis follows:]

TESTIMONY OF DAVE WILLIS

15187 Greensprings Highway, Ashland, OR 97520
P.O. Box 392, Bridgeport, CA 93517

BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE
ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
REGARDING S.7, THE CALIFORNIA DESERT PROTECTION ACT

JULY 23, 1987

My name is Dave Willis. Home base is Southern Oregon. I spend several months each year living and working in California.

The use of off-road vehicles is of special concern to me as a physically handicapped person. In 1976 I was badly frostbitten. Half of each of my feet and half of each hand was amputated. Because of delicate grafting on what was left of my feet, walking distances without pain or eventual injury became a thing of the past for me.

This posed a unique challenge because I earned my living coordinating and leading backpacking, mountaineering and cross-country ski trips for a large camp and conference center. The center's executive director suggested I become a sports writer since my wilderness days were so obviously over. I had other ideas

I got myself a used 4x4 to help me in the next phase of my modified backcountry career. And do you know what I did with it? Let me tell you what I didn't do.

I didn't drive it into unprotected and unpatrolled defacto or designated wilderness and take up off-road vehicle recreation. How could I? Off-road vehicle travel "re-creates" nothing. As is demonstrated ably in the briefing book we have provided you with, (The California Desert Protection Act, put out by the National Parks and Conservation Association, Sierra Club and the Wilderness Society), off-road vehicle travel is destructive to wildlife, vegetation, soil, air quality, and cultural resources ("Wildlands Damage" Section).

I don't follow the curious logic that gives me a right to further handicap the earth because I am handicapped. And it is not the handicapped who are screaming that this bill locks them out. Because it doesn't.

The odd thing about this Cranston bill is that it would allow me to drive into wilderness. Seven hundred miles of roads have been cherry stemmed into wilderness areas. That means I can drive down a road with wilderness on both sides of me and at the end of the road. Quite a paradox to be able to drive into wilderness. I think this is a weakness in the bill. Those cherry stems need to cut off at the cherry so they can produce good fruit.

Fifteen hundred miles of road are used as wilderness boundaries in S.7. That means I can drive down a road with wilderness on one side of me. The entire multi-million acre bill closes only 1500 miles of ways -- and these are not even real roads, but trespass trails on desert fragility. This Cranston bill is not a road closure bill.

This bill has got to be the most handicapped accessible wilderness bill in history. Eighty-five percent of the area in the bill is within 3 miles of motorized access. Because of the "can't do" stigma put on the handicapped by many, we may need wilderness challenge more than anyone. And this bill, while it locks out no one, just plain makes too much land too accessible to motor vehicles. (Please refer to the "Lock-Up Myths" section in the California Desert Protection Act briefing book.)

Even if I did want to drive off road, Cranston's bill still leaves me 800,000 acres -- an area about the size of Yosemite National Park -- to exercise my God given right to destroy wildlife, vegetation, soil, air quality, and cultural resources to my heart's content. This isn't a 3-park bill -- it's a 4-park bill: Joshua Tree, Mojave, Death Valley, and ORV National Parks.

It took strip miners 150 years of patient, diligent work to seriously scar 2 million acres of land in the whole nation. ORVers have gotten a late start on the game. But Howard Wilshire of the USGS says that in 20 years they have seriously scarred a million acres of California desert. This is dedicated catch-up ball. It's past time for the game to be over.

No, I didn't take my newly acquired 4x4 and use it to drive into wilderness. Besides, I still wanted a wilderness experience, and going somewhere in a motorized vehicle wouldn't get me one.

So for $125, I got a horse. And for $600 I got an antique horse trailer. (What do most elitist ORVers spend for an ATV, trailer, and big-motored pulling rig?) And I kept coordinating and leading wilderness trips.

But before I got my horse - while I was still on crutches all the time - I helped start a series of wilderness trips called "Go For It!" These were for other folks on crutches, and in wheelchairs, and blind and deaf, too, though I never learned to sign too well.

Interesting things happened on these trips. A stubborn woman, who was once pronounced dead and then told she would never walk, hiked up to a mountain lake. A dwarf with crippled legs and massive arm strength, whose friends left him behind when they went backpacking, excelled at backcountry rockclimbing. And a depressed, partially paralyzed, pacemaker-wearing guy -- who had been shot through the heart, lung, neck and brain when he was 13 -- told me through slurred speech and tears of joy, as he rappelled awkwardly (and after much trepidation) from the top of a granite cliff, that he felt he had finally lost his ball and chain.

These trips still go on. And there are lots of wilderness trips for physically impaired folks besides "Go For It!". People who say the physically handicapped can't go to the wilderness probably feel they can't go to the wilderness either. That's too bad. They're missing out. They don't know the wilderness and they don't know themselves.

Anyway, I quit the "Go For It!" trips. Too boring. The handicapped people just didn't complain enough. I didn't like their attitudes.

Tre was probably the last straw. Wheelchair bound, she had been born with a non-functioning leg and a half (the other half was missing) and balled up fists full of fingers that had to be surgically pried apart and separated. Of course, she didn't want to pass up the rockclimbing on the trip. She tied into the rope, turned around, sat down, and pushed herself up and rappelled down a sloping rock face with enough of an angle to give everyone a thrill.

Then she wanted to do it again. So I razzed her: "I'm sorry, Tre, but you are a handicapped individual. You're missing part of a leg. The one you've got doesn't work. You're stuck in your wheelchair. Everyone knows you can't climb. You're locked out of the wilderness without a 4x4, ATV, or Yamaha X 4 trillion. In fact, you can't experience the wilderness at all unless there are paved trails and handrails and ---."

She cut me off. She was not amused. "Listen, stupid," Tre said, "Don't you know that "can't" is a four letter word?"

"Recreational development," said Aldo Leopold, "is not a job of building roads into lovely country, but of building receptivity into the still unlovely human mind."

I stepped away from "Go For It!," which was going for it just fine, and kept on with my regular Sierra Treks program. I had a problem with winter trips, though. Try as I might, I couldn't teach my horse to cross-country ski or snowshoe. So I did what any wilderness loving Oregonian does when he's sick of the rain and doesn't want the snow -- I offered winter trips in the California desert.

I chose Joshua Tree because of the rocks and discovered there's a lot more to it than rocks. I also chose it because I knew we wouldn't have to compete with ORVs there as we would on the thousands and thousands of miles of road and numerous ORV areas outside the Monument. This competition will still be there even with Senator Cranston's bill. As I mentioned earlier, he has bent over backwards to keep open road after road that should not be there in the first place. Thirty thousand miles of road are left open.

Pacific Crest Outward Bound, likewise based in Oregon, has also chosen to run many, many trips in Joshua Tree each year. And an increasing number of Californians are also discovering Joshua Tree. We all recognize Joshua Tree's obvious Park quality. And we've done a terrible job of keeping it a secret. To maintain that Park quality is going to take not only expansion, but Park status and a Park budget.

So I recruited students from a Christian college to come on desert treks during January-term, convincing them that even though there were no glaciers or thick forests, it was worth a try. Backcountry desert camping was different from mountain trips. We had to modify our style a bit. But I would rather modify my style than modify the desert for my recreational convenience. I suggest this approach has broader implications, as well.

We read the Bible and Aldo Leopold and talked about creation as something we are an inseparable part of, the land as a community to which we all belong. It was a new idea to most of the students, but some of them liked it and talked about how "close" they felt to God and nature in the wilderness.

Part of our trips involve giving folks a solo experience. I sat musing in a big box canyon of boulders while the students were on solo, and I wondered why, if the wilderness made them feel so close to God and nature, so many of them were afraid to spend a day and a night alone in it.

I looked up at the little cave on the cliff wall above the live oaks -- filled with Indian pictographs. They had fears, too. I thought of the passing of the first Americans' way of life and the condition in which they left the earth when their culture was overrun.

I looked up and saw a huge jet rumble across the sky -- the ultimate ORV. We are all ORVers. I thought of the passing of our culture and wondered if we would be the last Americans and in what condition we would leave the earth.

I didn't feel peaceful, close to God, or close to nature. I reflected on what a strange part of creation we humans are -- especially in the twentieth century. I ached for the re-creation that Paul told the Romans all creation eagerly longs for (Romans 8:18-25).

"I've never been to Los Angeles," says Edward Abbey. "I always figured it would come to me."

The Desert Plan is not enough. The consumptive spirit of Los Angeles needs to be turned around. Senator Cranston's bill is the best available political step in the right direction.

Our efforts to make the desert bloom have dried up the Owens Valley and are desiccating the Mono Basin. These efforts are degrading the Colorado and stretch even to the Columbia. We don't know what we're doing.

Consider the desert lily -- while it lasts. It blooms without us very well, if only we slow down enough to understand. And it points much better than we to what its beauty longs for -- perhaps, God forbid, even beyond its death:

> "The wilderness and the dry land shall be glad,
> the desert shall rejoice and blossom/abundantly/
> with joy and singing/
>
> Be strong, fear not! Behold your God will come/
> and save you/
>
> Then the eyes of the blind shall be opened,

and the ears of the deaf unstopped;
then shall the lame man and woman
leap like a deer/

For waters shall break forth in the wilderness,
and streams in the desert/

(excerpts from Isaiah 35)

Senator WILSON [presiding]. Thank you, Mr. Willis. We will conclude with James Wilson.

STATEMENT OF JAMES WILSON, WHEELER AND WILSON BOOTS, BISHOP, CA

Mr. WILSON. Senator, thank you for the opportunity to address this committee on S. 7. I am James Wilson, a businessman from Bishop, California, a small town of 9,000 people in Inyo County on the northern edge of the proposed expanded Death Valley National Park. My partner and I own a business that caters to outdoor recreation enthusiasts. We have two stores, one in Bishop and one in Mammoth Lake. On a year round basis, we employ 12 people, a few more at peak season.

My customers come to enjoy the diversity and splendor of Inyo County. It is unique in having both the highest and loweset points in the lower 48 states, Badwater and Mount Whitney in the Inyo National Forest. The western part of the county is protected by the John Muir Wilderness, some of the most heavily used public lands in the west. They provide through their scenic attractions the customers that make my business possible.

I think wilderness protection for parts of eastern Inyo County could help enhance and stabilize Inyo's erratic economy. For the last 125 years our county has depended heavily on commodity extraction for its economic base. Mining has been in decline since World War II. The rich gold and silver loads have been depleted. More recently, because of the international market, our tungsten mine has been in decline. Minerals alone do not provide the stability we need to maintain our economy.

I submit that expanding Death Valley National Monument to include Saline Valley, Eureka Valley, North Death Valley Wash and Hunter Mountain and upgrading the new area to national park status would strengthen our economy. Our towns would have increased usage as gateways to Death Valley National Park.

At the present, these valleys receive significant visitor usage. Most of this usage is disbursed in primitive. I would propose maintaining them in a primitive state such as much of Death Valley National Monument is now administered.

In the 1980s, Inyo and Mono Counties have consistently ranked last in increases in sales tax revenues among California counties. Upgrading Death Valley National Monument to Death Valley National Park, expanding the area of the new park and creating new wilderness areas in the Inyo Mountains as S. 7 proposes would increase the tourist draw of the area.

My interest in the area is not only economic. My family and I have visited the arid lands in eastern California since the early 1970s. I personally know the chuckwallas, Joshua trees and creosote bushes, the jewel-like cactus flower, the Inyo peaks covered with snow and the floor of Saline Valley bathed in early morning light. This area between Death Valley and the Owens Valley designated park and wilderness in S. 7 are of extraordinary quality. It would make excellent park wilderness.

Thank you.

[The prepared statement of Mr. Wilson follows:]

Wheeler and Wilson Boots
206 North Main, Bishop, CA. 93514 (619)873-7520

Senators, members of the committee, thank you for the opportunity to address this committee on S-7, The California Desert Protection Act. I am a businessman from Bishop California, a small town of 9000 people in Inyo county, on the northern edge of the proposed expanded Death Valley National Park and the proposed BLM Wilderness in the Inyo Mountains. My partner and I own a small business, Wheeler and Wilson Boots that caters to the self propelled outdoor recreation enthusiast. We have two stores, one in Bishop and one in Mammoth Lakes. On a year round basis we employ 12 people, a few more at the peak seasons.

My customers come to enjoy the diversity and splendor of Inyo County. Our county is unique in having both the lowest point Badwater in Death Valley, and the highest Mt. Whitney in Inyo National Forest, in the lower 48 states. The western part of Inyo County is protected by the John Muir Wilderness. These are some of the most heavily used lands in the west. They provide through their scenic attractions the customers that make my business possible. I think Wilderness protection for parts of easteern Inyo County could help enhance and stabilize Inyos erratic economy.

For the last 125 years our county has depended heavily on commodity extraction for its economic base. Most of the considerable agricultural potential was lost when the City of Los Angeles bought the agricultural lands for the water rights. Mining has been in decline since World War II. The rich gold and silver lodes have been depleted. More recently because of the international market our tungsten mines have been shut down. Minerals do not provide the stability we need to maintain our economy.

I submit that expanding Death Valley National Monument to include Saline Valley, Eureka Valley, North Death Valley Wash, and Hunter Mountain and upgrading the new area to National Park status would strenghten our economy. Bishop, Big Pine, Independence and Lone Pine would have increased usage as gateway towns to Death Valley National Park. Motels, restaurants, stores and others catering to the tourist trade would prosper.

At the present these valley receive significant visitor usage. Most of this usage is dispersed and primitive. I would propose maintaining them in a primitive state, such as much of the Death Valley National Monument is now administered, building no new roads or buildings, paving no roads, closing no recognized thoroughfares including Eureka Valley Road, North and South Saline Valley Roads, Hunter Mountain Road and the Lippincott Grade.

In the 1980's Inyo and Mono counties have consistently ranked last in increases in sales tax revenue amongst Californias counties. Upgrading Death Valley National Monument to Death Valley National Park, expanding the area of the new Park and creating new Wilderness areas in the Inyo Mountains as S-7 proposed would increase the tourist draw of the area. Parks have traditionally been more used than monuments. This translates into more tourists, more cash flow.

One argument against S-7 has been the California Desert Conservation Area was established by the Federal Lands Policy Management Act to regulate use of the California Desert. I think the National Park Service can do a more appropriate job of administering the lands in question. While the

Wheeler and Wilson Boots
206 North Main, Bishop, CA. 93514 (619) 873-7520

Bureau of Land Management employs many dedicated professionals they are traditionally underfunded and understaffed to properly care for this vast region. The National Park Service has a history of management in Death Valley National Monument that shows skill and sensitivity in handling the visitors and protecting the resources.

My interests in this area is not only economic. My family and friends and I have recreated in the arid lands in Eastern California since the early 1970s. I personally know the Chuckwallas, Yuccas, Joshua Trees and Creosote bushes, the jewel like cactus flowers, the peaks of the Inyo Mountains covered with snow and the floor of Saline Valley bathed in early morning light. This area between Death Valley National Monument and the Owens Valley designated Park and Wilderness in S-7 are of extraordinary quality. It would make excellent Park and Wilderness.

Thank You,

James Wilson

Senator **Wilson**. Thank you, Mr. Wilson. I thank all the members of the panel and all of those who have testified before. We are grateful to you for not only adding to the record that the subcommittee will consider and the consideration of Senator Cranston's bill but also adding to our knowledge and understanding.

We thank you, and this hearing will stand adjourned.

[Whereupon, at 6:30 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Committee Questions

United States Department of the Interior
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

AUG 10 1987

Honorable Dale L. Bumpers
Chairman, Subcommittee on Public Lands,
  National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

On July 21, 1987, the Subcommittee on Public Lands, National Parks and Forests held hearings on S. 7, the "California Desert Protection Act of 1987." At that time, we were requested to provide a current overview of the mineral resources and mineral resource potential of the area covered by the bill.

Our response is enclosed in two parts. The first is a letter and report signed by the Directors of the Bureau of Mines and the U.S. Geological Survey concerning the mineral surveys prepared in conjunction with wilderness review in the desert. The second is a letter from the Bureau of Mines containing the latest information on rare earths in the desert.

We received additional questions for the record from you and other Committee members on August 6. The answers to those questions are being prepared, and will be transmitted to you shortly.

Thank you for the opportunity to provide this information to the Committee.

Sincerely,

Philip G. Kiko
Legislative Counsel

Enclosure

cc: Honorable Malcolm Wallop
    Ranking Minority Member

TAKE PRIDE IN AMERICA

United States Department of the Interior
GEOLOGICAL SURVEY
RESTON, VA 22092

In Reply Refer To:
Mail Stop 913

AUG 10 1987

Honorable Dale L. Bumpers
Chairman, Subcommittee on Public
Lands, National Parks & Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The Geological Survey and the Bureau of Mines have compiled a report summarizing our current knowledge about the mineral resources and mineral resource potential of the California desert as it applies to S. 7, the California Desert Protection bill. We enclose a copy of this report, which was prepared explicitly for your use. We would be pleased to meet with you, with the other committee members, and with your staffs to explain these findings or to discuss specific areas or issues.

The Geological Survey and the Bureau of Mines have conducted mineral surveys on all or part of 46 of the 110 areas currently proposed as wilderness in S. 7. These-studies were performed at the request of the Bureau of Land Management on areas deemed preliminarily suitable for wilderness and were conducted under the mandate of the Federal Land Policy and Management Act of 1976 (FLPMA). Mineral surveys of all FLPMA-authorized wilderness study areas will be completed by the end of fiscal year 1990. Mineral surveys have not been requested or planned on 64 areas in the bill and their mineral values have not been determined through the statutorily prescribed process. Data on the 64 areas have been compiled expeditiously from existing sources by our staffs for this report and are therefore less comprehensive than data on areas we studied in greater detail.

Sincerely yours,

Doyle H. Frederick
For Dallas L. Peck
Director, Geological Survey

Sincerely yours,

David S. Brown
David S. Brown
Director, Bureau of Mines

Enclosure

Report to the Congress
on
Mineral Resources and Mineral Resource Potential
of
Lands Proposed for Wilderness
by
The California Desert Protection Act

The following report briefly summarizes the results of mineral surveys and literature searches by the U.S. Geological Survey and the U.S. Bureau of Mines on lands proposed for wilderness in California by S.7, The California Desert Protection Act. Mineral surveys of areas shown in bold type were conducted over several years. The results of these surveys are published in reports made available to Congress and to the public in accordance with the Federal Land Policy and Management Act (FLPMA), and the Wilderness Act. Many areas in the bill have not been studied by the Geological Survey and the Bureau of Mines. Selection of areas to be studied is based on preliminary suitability as determined by the Bureau of Land Management. Therefore mineral surveys have not been conducted on 64 of the 110 areas in the bill. Information on the 64 unsurveyed area was compiled from existing literature and from the expertise of our scientists. Although we have attempted to be thorough, information on these areas is not of the same caliber as the results of multi-year studies that involved field examinations.

"Mineral resources" means the identified or known commodities in an area. They are quantified or could be quantifiable if a series of assumptions are made. The issue of reserves arose during the recent hearings on S.7. Reserves, by definition, must be currently economic. Companies usually delineate enough reserves to suit their current and short-term future mining needs. The timing of determining addition reserves is based on their mining needs. "Mineral resource potential" means the likelihood of undiscovered concentrations of a commodity. Where sufficient data are available the mineral resource potential is classified as high, moderate, or low. The low classification does not mean that a mineral resource is unlikely to be present. It means that few indicators of mineralizations are known, often due to lack of data about the area or the mineral commodity. The committee has heard the phrase "absence of evidence does not mean evidence of absence." That is often appropriate in reviewing areas where the potential for certain mineral resources is low.

The mineral resources and the mineral resource potential given here for each area usually do not apply to the entire area. Where mineral surveys have been completed, maps are available showing the specific areas of mineral resources and of mineral resource potential.

The specific areas within the Death Valley, Joshua Tree, and Mojave National Park proposals were obtained from the U.S. Bureau of Land Management. Mineral resources and mineral resource potential of the current national monuments are not given in this report.

Explanatory material on strategic and critical minerals, "rare earths", and other significant mineral commodities in the California Desert is given at the end of this report, after the area-specific summaries.

ACTIVE MINES

The following is a list of active mines which are in areas affected by the "California Desert Protection Act of 1987" taken from Mines and Mineral Producers Active in California 1987, open-file report 87-1 SAC by California Department of Conservation Division of Mines and Geology.

Area	Company	Mine	Commodity
Saline Dunes	Standard Industrial Minerals Inc.	Wide Eagle	Talc
Greenwater Range	American Borate Company	Billie	Borates
Ibex Hills	Pfizer Inc.	Eclipse	Talc
	Pfizer Inc.	Ibex	Talc
Newberry Mts.	Twin Mountain Rock Company	Lavic Quarry	Cinders
Kingston Range	Huntington Tile Company	Omega	Talc
	Pfizer Inc.	Rogers Pit	Talc
	Standard Slag Company	Beck	Iron
Cady Mts.	Calmet Company (cement division)	Baxter Iron	Iron
Big Maria Mts.	Shepwalls Inc.	Big Maria Pit #2	Sand and gravel
Mohave	Franciscan Ceramics Inc.	P.S. Hart	Clay
	Heavy Metals Development Corp.	Morning Star	Gold
	Molycorp Inc.	Mountain Pass	Rare earth oxides
	Pfizer Inc.	C-1 pit	Clay
	Pfizer Inc.	Sercite mine	Mica

The following areas are listed as they appear in the bill. Areas within the Death Valley, Joshua Tree, and Mojave are listed after specific areas.

Bold Type = Joint USGS/USBM Mineral Survey Completed or in Progress

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Argus Range (CDCA-132B)
Mineral resources (known): Limestone
Mineral resource potential (undiscovered): Lead, silver, zinc, copper and minor gold in small, high-grade deposits, similar to numerous mines and prospects in and adjacent to area.

Avawatz Mountains (CDCA-221)
Mineral resources (known):
Mineral resource potential (undiscovered): Talc in northern part of area. Manganese, gold, lead, zinc, silver

Bigelow Cholla Garden (CDCA-290)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, copper, sand/gravel

Bighorn Mountains (CDCA-217) Also includes Forest Service lands
Mineral resources (known): Thorium
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, copper, uranium-moderate. Geothermal, oil/gas, sand/gravel-low

Big Maria Mountains (CDCA-321; AZ-050-019)
Mineral resources (known): Decorative stone Limestone/dolomite - 29 million tons; Iron - 620,000 tons
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, copper, tungsten, iron, manganese, gypsum, wollastonite, decorative stone, limestone-moderate to high

Black Mountain (CDCA-186)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-moderate to high. Uranium, silver, copper

Blackwater Well (CDCA-173)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-low. Geothermal-low

Bright Star (CDCA-160B/Kelso Peak)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-both lode and placer. Silver, tungsten, uranium

Cadiz Dunes (not a BLM wilderness study area)
Mineral resources (known):
Mineral resource potential (undiscovered): Borates, sodium-in playa. Iron-titanium-in dune sand. Gold-low. Zircon (?), lanthanides/yttrium(?). Lead, zinc, gold-in surrounding area.

Cady Mountains (CDCA-251)
Mineral resources (known):
Mineral resource potential (undiscovered): Manganese, lead, copper, gold, uranium, zinc. Lanthanides/yttrium, niobium, strontium

Carrizo Gorge (CA-060-025A) Eastern McCain Valley) Report in progress
Mineral resources (known):
Mineral resource potential (undiscovered): Gemstones-moderate

Chemehuevi Mountains (CDCA-310; AZ-050-003; **AZ-050-004**) CDCA-310-Mineral report complete, AZ-050-004-Report in progress
Mineral resources (known):
Mineral resource potential (undiscovered): Copper-barite-silver, w/minor lead, gold, zinc-low. Nitrate, building stone, uranium, fuels-low

Chimney Peak (not a BLM Wilderness study area)
Mineral resources (known): Barite
Mineral resource potential (undiscovered): Tungsten w/accessory molybdenum-high.
Barite-high. Gold, silver, lead, zinc-low

Chuckwalla Mountains (CDCA-348) report published.
Mineral resources (known): Gold, silver
Mineral resource potential (undiscovered): Gold, silver, molybdenum, tungsten high. Copper, lead, tin, uranium-low

Cleghorn Lakes (CDCA-304)
Mineral resources (known):
Mineral resource potential (undiscovered): Iron-moderate to low. Gold-low

Clipper Mountains (CDCA-260) Past production of tungsten
Mineral resources (known):
Mineral resource potential (undiscovered): Tungsten, gold

Coso Range (CDCA-131)
Mineral resources (known):
Mineral resource potential (undiscovered): Uranium-high. Gold, manganese, molybdenum, mercury-moderate. Silver, copper, lead, zinc, geothermal(?)

Coyote Mountains (CDCA-373)
Mineral resources (known):
Mineral resource potential (undiscovered): Tungsten, copper, beryllium. Gold-lower potential

Darwin Falls (CDCA-132A)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead, zinc, silver, copper w/minor gold-in small high-grade deposits.

Dead Mountains (CDCA-276; AZ-050-001; AZ-050-002)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, copper

Domelands Additions (CA-010-029/Rockhouse; CA-010-032) Study in progress
Mineral resources (known):
Mineral resource potential (undiscovered): Tungsten-low

El Paso Mountains (CDCA-163) Report published.
Mineral resources (known):
Mineral resource potential (undiscovered): Lead-low

Fish Creek Mountains (CDCA-372) Report in progress. Commodities here are a prime source of construction materials for San Diego. Active exploration in area.
Mineral resources (known): Gypsum-20 million tons reserves under claim in area
Limestone - 1 billion tons
Mineral resource potential (undiscovered): Limestone, gypsum-high. Lead, molybdenum, tungsten-low.

Frog Creek (CDCA-163)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver (lode), gold (placer), tungsten, uranium

Funeral Mountains (CDCA-143) Report published
Mineral resources (known):
Mineral resource potential (undiscovered): Limestone, quartzite, sand/gravel-high. Borates-moderate.
Lead, zinc, strontium, geothermal, oil/gas, zeolites-low

Golden Valley (CDCA-170) Report published. Active gold exploration within past 5 yrs.
Mineral resources (known): Sodium - 3 million tons; Geothermal
Mineral resource potential (undiscovered): Gold, silver-high. Lead, tungsten, zinc, geothermal-moderate. Sodium-low

Granite Mountains (CDCA-256/Bristol/Granite) Report complete
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, iron, tungsten, oil/gas, limestone, perlite-low

Grass Valley (CDCA-173A)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-silver-low. Geothermal-low

Great Falls Basin (CDCA-132)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold

Hollow Hills (CDCA-228)
Mineral resources (known):
Mineral resource potential (undiscovered): Copper, silver

Ibex (CDCA-149/Ibex Hills; CDCA-149A/Ibex Spring)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, lead, zinc, silver, perlite, talc, geothermal

Indian Pass (CDCA-355) Report published. Perhaps, with Picacho Peak, the hottest gold exploration areas in California.
Mineral resources (known): Gold, silver
Mineral resource potential (undiscovered): Gold-high. Silver, tungsten-moderate Copper, lead, zinc-low

Inyo Mountains (CDCA-120/Waucoba Wash; **CDCA-122**; CA-010-055/ Cerro Gordo; **CA-010-056/Southern Inyo**) Also includes major Forest Service acreage. Very highly mineralized area, includes mining district, 416 surface and underground workings, 13 old gold mills. Active gold-silver exploration by major mining company.
Mineral resources (known): Gold - 4.4 million tons marginal reserves at 5 deposits; possible additional 1 million tons gold-silver reserves. Silver-280,000 tons resources. Talc- 640,000 tons reserves; also lead, zinc, marble
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, talc-high. Tungsten-low

Jacumba (CDCA-368) Report complete. Area could provide limestone to San Diego for construction and to El Centro for agriculture
Mineral resources (known): Limestone - 1.8 million tons; Tungsten - 30,000 tons. Gold - 9,000 tons adjacent area. Diatomite - 60,000 tons adjacent area
Mineral resource potential (undiscovered): Limestone-high. Tungsten-low.

Kelso Dunes (CDCA-250) Report published. Probably over 500 mining claims. Oil and gas leases.
Mineral resources (known): Glass sand/ feldspar - 80 billion tons, with by product iron and gold
Mineral resource potential (undiscovered): Gold, copper-moderate

Kiavah (CDCA-159/Cow Heaven; CDCA-159A/not a BLM wilderness study area; CDCA-160/Horse Canyon; CDCA-160C/Skinner Peak) Major forest service acreage. Area on maps appears to be a Forest Service roadless area named **Scodies (05212)**
Mineral resources (known): Quartz-22,000 tons massive quartz
Mineral resource potential (undiscovered): No mineral resources delineated

Kingston Range (**CDCA-222**; CDCA-222A/Silurian Valley) Report published. In past 5 yrs. talc and iron mined; exploration for talc, iron-gold-silver, iron-copper, silver
Mineral resources (known): Talc-1.7 million tons estimated resources/ 8 deposits Iron - 7.2 million tons resources, owner states 3.4 million tons are reserves. Copper - 40,000 tons subeconomic resources
Mineral resource potential (undiscovered): Iron, talc, lead, silver-high

Little Chuckwalla Mountains (CDCA-350)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, copper, lead, tungsten-low

Little Picacho (CDCA-356; AZ-050-035)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold (lode)-high. Gold (placer)-moderate. Manganese, gold-silver w/associated copper-lead-zinc, copper, iron, fluorite(?)
Mn, Au-Ag (±Cu-Pb-Zn), Cu, Fe, F?, Au placer

Malpais Mesa (CDCA-124/Cerro Gordo Peak)
Mineral resources (known): Gold, silver, dolomite, silica -
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, copper, talc-at least moderate, primarily but not exclusively in N. part of area. Gold-mercury, uranium, diatomite, zeolites, perlite, geothermal

Manly Peak (CDCA-137)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, talc, molybdenum, copper, tungsten

Mecca Hills (CDCA-343) Report in progress. Oil and gas leases cover most of area.
Mineral resources (known): Bentonite, sand/gravel for Palm Springs - El Centro - Imperial Valley markets
Mineral resource potential (undiscovered): Clay-low

Mesquite (CDCA-225)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead-zinc, copper-platinum, gold, iron, antimony, tungsten

Middle Park Canyon (CDCA-137A)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, copper, tungsten, molybdenum

Newberry Moutains (CDCA-206) Report published
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver-moderate

Nopah Range (CDCA-150)
Mineral resources (known): Limestone - over 20 million tons; Dolomite - over 20 million tons; Zeolites - 100,000 tons
Mineral resource potential (undiscovered): Lead, silver, zinc-moderate. Gold, molybdenum, sand/gravel, limestone, quartzite-low.

North Algodones Dunes (CDCA-360) Oil and gas lease applications cover area
Mineral resources (known):
Mineral resource potential (undiscovered): Geothermal-moderate. Oil/gas-high. Gold, sand/gravel-low

North Coso Range (CDCA-130)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, manganese, molybdenum, mercury-moderate. Uranium, diatomite

North Mesquite Mountains (CDCA-223)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead-zinc, copper-platinum, gold, iron, lanthanides

Old Women Mountains (CDCA-299)
Mineral resources (known):
Mineral resource potential (undiscovered): Limestone, gold, lead, zinc, arsenic, silver, tungsten, copper, mercury, antimony

Orocopia Mountains (CDCA-344) Report in progress. Active gold exploration by major mining company. Many active claims
Mineral resources (known):
Mineral resource potential (undiscovered): Gold (lode)-high. Gold (placer)-moderate.
Decorative stone, manganese, fluorite-low

Owens Peak (CDCA-158; CA-010-026) Reports published. Active exploration at gold-silver deposit
Identified resource: Gold-1.2 million tons and silver; tungsten - 20,000 tons
Mineral resource potential (undiscovered): Gold, tungsten-moderate. Copper, lead, barite, zinc-low

Pahrump Valley (CDCA-154)
Mineral resources (known):
~~Mineral~~ resource potential (undiscovered): Gold, silver, lead, copper, zinc, iron, tungsten

Palen/McCoy (CDCA-325) Report published
Mineral resources (known): Iron, vanadium - less than 1 million tons; Pyrophyllite-140,000 tons (same uses as talc); Manganese
Mineral resource potential (undiscovered): Iron-high. Pyrophyllite-moderate, development unlikely. Copper, manganese, uranium, bentonite-low

Palo Verde (CDCA-352)
Mineral resources (known):
Mineral resource potential (undiscovered): Manganese, barite, gold, iron, gemstones

Picacho Peak (CDCA-355A) Report published. Perhaps, with Indian Pass, the hottest gold exploration areas in California
Mineral resources (known): Gold, silver
Mineral resource potential (undiscovered): Gold-high. Lead, copper, zinc-low.

Piper Mountains (CDCA-115)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-silver w/associated copper, lead, zinc in small deposits-low. Tungsten-low. Marble

Pinto Mountains (CDCA-335)
Mineral resources (known): Yttrium - 50,000 tons
Mineral resource potential (undiscovered): Gold, silver

Piute Mountains (CDCA-288)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, copper, mercury, iron

Resting Spring Range (CDCA-145)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead, zinc, copper, silver-low. Quartzite

Rice Valley (CDCA-322)
Mineral resources (known): Limestone - 14 million tons; Quartzite - 700,000 tons; Decorative stone - 4,500 tons
Mineral resource potential (undiscovered): Sand/gravel-moderate to high. Gold, silver, lead, zinc, copper, tungsten, iron, manganese, gypsum, wollastonite, decorative stone, limestone - moderate to high in bedrock areas.

Riverside Mountains (mostly not a BLM wilderness study area; AZ-050-018/Big Maria Mts. N.) Past production of gold and copper
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-high. Silver, lead, copper, iron, manganese, limestone, gypsum-moderate.

Rodman Mountains (CDCA-207) Report published, Exploration activity around, possibly not in area
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver-moderate. Molybdenum-low.

Sacatar Trail (CDCA-157/Little Lake Canyon; CA-010-027/Sacatar Meadows) Report published; study in progress
Mineral resources (known): Geothermal, crushed stone
Mineral resource potential (undiscovered): Tungsten, molybdenum-low

Saddle Peak Hills (CDCA-219; CDCA-220)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, talc(?)

San Gorgonio Additions (CDCA-218/Morongo; CDCA-218A/Whitewater)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead, silver, tungsten, gold-moderate. Copper, uranium, zinc, geothermal, oil/gas, sand/gravel-low.

Santa Rosa (CDCA-341) Report in progress
Mineral resources (known):
Mineral resource potential (undiscovered): Tungsten, limestone high. Gold-moderate

Sawtooth Mountains (CA-060-024B) Report complete
Mineral resources (known):
Mineral resource potential (undiscovered): No mineral resource potential delineated

Sheephole Valley (CDCA-305) Report published. Some oil, gas, geothermal energy.
Mineral resources (known): Calcium, sodium, lithium-inferred resources
Mineral resource potential (undiscovered): Silver, gold, calcium, sodium, dimension stone-high. Geothermal, molybdenum-moderate. Copper, lead, lanthanides/yttrium, tin, tungsten, uranium, zinc-low.

Slate Range (CDCA-142) Report published
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, copper, molybdenum, silver, tungsten, zinc-low

Soda Mountains (CDCA-242)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead, silver, zinc, copper in small, high-grade deposits. Clay, limestone.

South Algodones Dunes (CDCA-362)
Mineral resources (known):
Mineral resource potential (undiscovered): Geothermal, oil/gas

South Avawatz Mountains (CDCA-221A)
Mineral resources (known):
Mineral resource potential (undiscovered): Iron in western part of area

South Nopah Range (CDCA-150A)
Mineral resources (known):
Mineral resource potential (undiscovered): Talc, gold, lead, zinc, silver, geothermal

Stateline (CDCA-225A)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead-zinc w/gold-silver-copper, iron, antimony, tungsten, copper-platinum, gold, limestone

Stepladder Mountains (CDCA-294)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold?

Surprise Canyon (CDCA-136)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, lead, zinc, tungsten, molybdenum, manganese, copper, limestone, quartzite

Sylvania Mountains (CDCA-111)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-silver, tungsten, talc-low

Trilobite (CDCA-259/Marble Mountains)
Mineral resources (known):
Mineral resource potential (undiscovered): Limestone/dolomite-moderate to high, for industrial/building stone uses. Gold, silver, copper, iron, bentonite-low

Turtle Mountains (CDCA-307) Report complete
Mineral resources (known): Gold-silver-copper-lead-zinc
Mineral resource potential (undiscovered): Copper, gold, lead, molybdenum, tungsten, zinc-high. Uranium, dimension stone-low.

Whipple Mountains (CDCA-312) Report published
Mineral resources (known):
Mineral resource potential (undiscovered): Copper, lead, gold, molybdenum, silver, zinc-high. Manganese-moderate. Uranium-low.

Death Valley-additions to Death Valley include the following BLM wilderness study areas:

Saline Valley (CDCA-117) Report published. Possible active placer gold mining
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-high. Copper, lead, mercury, molybdenum, silver, uranium, zinc, lithium, talc-low.

Saline Dunes (CDCA-121)
Mineral resources (known):
Mineral resource potential (undiscovered): Salt, gypsum, zeolites(?), low temperature (direct heat uses) geothermal

Hunter Mountain (CDCA-123) Report published
Mineral resources (known): Wollastonite - approx. 26 million tons adjacent to (extend into?) area. Used in paints, plastics, tile.
Mineral resource potential (undiscovered): Copper, gold, lead, molybdenum, silver, tungsten, zinc-low

Panamint Dunes (CDCA-127) Report published
Mineral resources (known): Cinders - 900,000 tons
Mineral resource potential (undiscovered): Cinders-high. Lead, silver, zinc-moderate. Copper-low.

Wildrose Canyon (CDCA-134) Report published
Mineral resources (known):
Mineral resource potential (undiscovered): Copper, lead, molybdenum, silver, tungsten, zinc-low

Surprise Canyon (CDCA-136) see information on preceeding list

Inyo Mountains (CDCA-122) see information on preceeding list

Darwin Falls (CDCA-132A) see information on preceeding list

Argus Range (CDCA-132B) see information on preceeding list

Owlshead Mountains (CDCA-156) Report published
Mineral resources (known): Iron-2 million tons plus 160,000 tons iron and manganese; Gypsum - 11 million tons; Lead-zinc-19,000 tons and copper, silver; Gold-6,600 tons plus silver, copper at 7 small sites
Mineral resource potential (undiscovered): Iron, manganese-high. Copper, gold, lead, silver, zinc-moderate. Molybdenum, magnesium-low

Slate Range (CDCA-142) see information on preceeding list

Avawatz Mountains (CDCA-221) see information on preceeding list

Funeral Mountains (CDCA-143) see information on preceeding list

Greenwater Range (CDCA-147)
Mineral resources (known):
Mineral resource potential (undiscovered): Borates, zeolites, bentonite-in lowland areas. Lead, zinc, silver, gold- in upland areas. Strontium- in localized lowland areas.

Greenwater Valley (CDCA-148) Report published
Mineral resources (known):
Mineral resource potential (undiscovered): Borates, copper, lead, gold, silver, zinc, geothermal, oil/gas-low

Ibex Hills (CDCA-149) see information on preceeding list

Ibex Spring (CDCA-149A) see information on preceeding list

Saddle Peak Hills (CDCA-219) see information on preceeding list

Last Chance Range (CDCA-112)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-mercury-sulphur-low in S. part of area.

Lower Saline Valley (CDCA-117A)
Mineral resources (known):
Mineral resource potential (undiscovered): No mineral resource potential delineated.

Little Sand Spring (CDCA-119). Report published. Active gold exploration
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver-moderate. Molybdenum-low

Joshua Tree - additions to Joshua Tree include the following BLM wilderness study areas:

Coxcomb Mountains (CDCA-328) Possible active geothermal exploration
Mineral resources (known): Gold-150,000 tons. Iron
Mineral resource potential (undiscovered): Gold, silver, copper, lead, zinc-moderate. Molybdenum, tungsten, uranium, geothermal-low.

Eagle Mountains (CDCA-334) Area boundaries unclear. N part of area appears to include many old mines and prospects
Mineral resources (known): Iron - 1 billion long tons at Eagle Mt. mine, may be outside area
Mineral resource potential (undiscovered): Silver, tungsten, fluorite-high. Copper, tin, lead, uranium-low.

Pinto Basin (CDCA-334A)
Mineral resources (known):
Mineral resource potential (undiscovered): Copper, lead, iron, uranium

Pinto Mountains (CDCA-335) see information on preceeding list

Mojave - Mojave includes the following BLM wilderness study areas:

Granite Mountains (CDCA-256) see information on preceeding list

Kelso Dunes (CDCA-250) see information on preceeding list

Kelso Mountains (CDCA-249)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, copper-in small lode deposits. Copper-in disseminated deposits. Iron-small, high grade deposits. Dolomite

Providence Mountains (CDCA-263) Report complete. Very highly mineralized area
467 mine workings in active exploration
Gold-silver-310,000 tons resources at 8 deposits
Iron - 340,000 long tons resources at 2 deposits +
3 million long tons on S. boundary of area.
Mineral resources (known): Limestone, stone, sand/gravel, dolomite-resources
Mineral resource potential (undiscovered): Gold, copper, iron, lead, silver, zinc-high. Uranium-low.

South Providence Mountains (CDCA-262)
Mineral resources (known): Gold- more than 200,000 tons
Mineral resource potential (undiscovered): Gold, copper-high. Uranium, oil/gas-low.

Mid Hills (CDCA-264)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, copper-in small lode deposits

Cima Dome (CDCA-238B)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, silver, copper-in small lode deposits

Cinder Cones (CDCA-239) Report published.
Mineral resources (known): Cinders - 30 million tons in area
Mineral resource potential (undiscovered): Gold, lead, silver, zinc, geothermal, oil/gas-low.

Fort Piute (CDCA-267) Report published
Mineral resources (known): Kaolin, gold, silver, copper
Mineral resource potential (undiscovered): Gold-moderate

New York Mountains (CDCA-265)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-silver-lead-zinc-copper, tungsten. Area is contiguous to, but does not contain rocks that host major lanthanide (rare earth) deposit at Mountain Pass

Old Dad Mountains (CDCA-243)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold, copper, lead, zinc, tungsten, talc, zeolites, bentonite, limestone, sodium(?), calcium(?)

Rainbow Wells (CDCA-244)
Mineral resources (known): Cinders
Mineral resource potential (undiscovered): Gold, lead, zinc, tungsten, cinders, uranium, geothermal

Shadow Valley (CDCA-235A)
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-copper, tungsten, talc, clay-low to moderate.

Signal Hill (CDCA-272)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead, zinc, silver, mercury, copper, gold, vanadium-moderate to high. Uranium-low.

Table Mountain (CDCA-270) map shows mines within area
Mineral resources (known):
Mineral resource potential (undiscovered): Gold-copper, tungsten talc, clay-low to moderate.

Woods Mountains (CDCA-271) map shows mines within area in Hackberry Mts.
Mineral resources (known):
Mineral resource potential (undiscovered): Lead, zinc, silver, mercury, copper, gold, vanadium-moderate to high. Uranium-low.

Clark Mountain (CDCA-227)
Mineral resources (known):
Mineral resource potential (undiscovered): Lead, zinc, iron, antimony, tungsten, lanthanides/yttrium (rare earths). Fluorite, gold-copper-lead-zinc in small deposits.

Explanation of Terms

Strategic and Critical Minerals

Strategic and critical materials are defined and listed in the bi-annual Stockpile Report to the Congress prepared by the Federal Emergency Management Agency. The following definition and list of mineral materials were taken from the April-September 1986 edition of that report, published in May 1987.

Definition:
1) The term 'strategic and critical materials' means materials that (A) would be needed to supply the military, industrial, and essential civilian needs of the United States during a national emergency, and (B) are not found or produced in the United States in sufficient quantities to meet such need.
2) The term 'national emergency' means a general declaration of emergency with respect to the national defense made by the President or by the Congress.

List of strategic and critical mineral commodities:

1. Aluminum/Bauxite
2. Antimony
3. Asbestos
4. Beryllium/Beryl
5. Bismuth
6. Cadmium
7. Chromium/Chromite
8. Cobalt
9. Columbium
10. Copper
11. Diamond
12. Fluorspar
13. Germanium
14. Graphite
15. Lead
16. Manganese
17. Mercury
18. Mica
19. Molybdenum
20. Nickel
21. Platinum
    (iridium, platinum, palladium)
22. Quartz crystals
23. Rutile
24. Sapphire/Ruby (Corundum)
25. Silver
26. Talc
27. Tantalum
28. Thorium
29. Tin
30. Tungsten
31. Vanadium
32. Zinc

Energy is considered strategic and critical under the Defense Production Act of 1950. Energy sources include: Coal, Thorium, Natural gas, Uranium, Petroleum

Lanthanides ("Rare Earths")
Rare earths are chemical elements of the lanthanide group. Yttrium has similar properties and often is found with lanthanides, but is not technically part of the group. The lanthanides, plus yttrium, have been broadly classified into two subgroups:

Cerium subgroup "Light Lathanides"	Yttrium subgroup "Heavy lanthanides"
Lanthanum	Gadolinium
Cerium	Terbium
Praseodymium	Dysprosium
Neodymium	Holmium
Promethium	Erbium
Samarium	Thulium
Europium	Ytterbium
	Lutetium
	Yttrium

Lanthanides and yttrium are used in metallurgy (including armaments), glass (including fiber optics and radiation stabilizers), high temperature ceramics, illumination, electronics (including semiconductors, missle guidance systems, lasers), chemicals, magnets (including computer disk drives), and in nuclear reactors and nuclear fuel reprocessing. Lanthanum and yttrium have been used in recent superconductor experiments. However the future use of any and all of these elements in superconductor development is unknown.

Other Significant Minerals in the California Desert

Several other mineral materials are of significant interest in the California desert, either due to local needs or to the national economy. These include:

Borates - U.S. is the world's largest producer of boron compounds, with all U.S. production coming from the California desert. Major export commodity. Used in glass, high-temperature ceramics, experimental superconductors.

Gold - California desert has one major, new producing gold mine, plus several smaller producers and developing mines.

Limestone - Used in the southern California region for construction.

Sand and gravel - This industry is a major employer. Sand and gravel rivals and may outrank gold as the commodity of greatest total value of production in California. Different industries require different specifications for sand and/or gravel. Used in southern California region for construction.

United States Department of the Interior

OFFICE OF THE DIRECTOR

BUREAU OF MINES
2401 E STREET, NW.
WASHINGTON, D.C. 20241

July 31, 1987

Honorable Dale L. Bumpers
Chairman, Subcommittee on Public
  Lands, National Parks & Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

The U.S. Bureau of Mines is primarily responsible for helping to ensure adequate, dependable supplies of all nonfuel minerals. Because your subcommittee currently has under consideration S. 7, the "California Desert Protection Act of 1987," we are particularly concerned that, if enacted in its present form, the legislation could have very serious implications for national security and the competitive position of the United States in the world economy.

The general area in southern California under consideration is already a major world producer of many mineral elements used in extremely critical applications. For example, as far back as the Korean War period the so-called "rare earths" were classified as "strategic and critical materials."

Today, factors point to significantly greater demand for the rare earths. For instance, it is now possible to clearly separate the rare earths (also known as the lanthanide elements) into their constituent elements: lanthanum (La), cerium (Ce), praseodymium (Pr), neodymium (Nd), promethium (Pm), samarium (Sm), europium (Eu), gadolinium (Gd), terbium (Tb), dysprosium (Dy), holmium (Ho), erbium (Er), thulium (Tm), ytterbium (Yb), and lutetium (Lu). Each of these elements possesses unique properties that are finding specialized applications in highly critical defense and other advanced technology applications. For example, lanthanum and europium are used in superconductors, neodymium and samarium in high-intensity magnets, neodymium, erbium, and gadolinium in lasers, and others in metallurgy, glass communications fibers, electronics, and nuclear reactors.

Our advanced weapons systems such as lasers for the Strategic Defense Initiative and communications systems on the ground, in ships, and in aircraft that are unaffected by the electromagnetic pulse require one or more of the rare earth elements. At the same time, our electronics industry that is seeking to become more competitive is developing new devices that undoubtedly will call for increased use of the lanthanide elements.

Considerable attention has been focused recently on the rapid advancements in superconductor technology. The further development and commercialization of this remarkable technology is crucial to achieving and maintaining U.S. global competitiveness. Our success in large measure will depend upon assured availability of the mineral raw materials for such rapidly changing and advancing technologies.

Not only is southern California a major world source of rare earths, but it is also a major world source of borates, and an increasingly attractive area for gold mining. Possibilities also exist for development of commercial deposits of other minerals. Consequently, future technologic requirements for minerals critical to our national defense and international competitiveness should be an important element in your consideration of S. 7. We are prepared to furnish whatever further information will be of assistance to you.

Sincerely,

David S. Brown

DEPUTY Director

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 4 1987

Honorable Dale Bumpers
Chairman, Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your August 4, 1987, letter to Secretary Donald Paul Hodel in which you submitted additional questions following the July 21, 1987, hearing on S. 7, the California Desert Protection Act bill.

We enclose herewith answers to the questions for inclusion in the hearing record on that bill.

We appreciate the opportunity to provide this material to the subcommittee.

If you have any additional questions or wish to discuss the matter further, please do not hesitate to call on us.

Sincerely,

Rebecca A. Mullin

ACTING Assistant Secretary - Land and
Minerals Management

Enclosures

QUESTIONS BY SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS FOLLOWING JULY 21, 1987 HEARING ON SENATE BILL 7

DESERT PLAN

1. QUESTION. Was the public involved in your plan preparation process? How many comments did you receive? Could you summarize what the nature of the concerns were? How did you respond to those in the final Plan?

RESPONSE. The public involvement effort by the BLM in formulating the desert plan was probably one of the most extensive planning efforts ever conducted by a government agency up until that time. It was done on many levels, with the goal of involving as many interested people as possible and getting as much data on their desires, preferences, and opinions.

To provide an overview, the effort directly resulted in distribution of 18,000 copies of the draft plan, more than a dozen hearings and numerous workshops attended by more than 900 people, 9,000 written responses were received, and more than 40,000 individual comments were analyzed.

A number of techniques were used to gather the data. A summary of the major public involvement efforts are outlined below.

DESERT ADVISORY COUNCIL - The Federal Land Policy and Management Act of 1976 (FLPMA) required the establishment of a 15-member citizens advisory council to work closely with the BLM during the plan development and provide a sounding board for involvement by the public. Recruited to serve on the council were experts representing the various scientific fields, the mining industry, outdoor recreation, cultural and historical resources, Native American interests, and local governments. The council provided, and still provides, critical recommendations to BLM on development, amendment, and implementation of the Plan. During the Plan formulation, its role was critical in approving BLM's approach, sponsoring public forums, soliciting input from various user categories and interests, and, of course, reviewing the plan itself and supporting documents. Quarterly meetings were held throughout and outside the desert to maximize opportunities for the public to participate in the process.

Assisting BLM in formulating the original California Desert Plan were the following individuals who represented the specified sections of society on the council.

- Elected General-Purpose Government (Chairman), Clayton Record, Jr., Member of the Board of Supervisors of Riverside County.

- Public Affairs, Lawrence (Bill) Lane, Jr., Chairman of the Board of Lane Publishing Company and Publisher of SUNSET Magazine.
- Botanical Resources, Dr. Richard J. Vogl, Professor of Biology, California State University, Los Angeles.
- Wildlife Resources, Dr. Wilbur Mayhew, Professor of Zoology, University of California, Riverside.
- Social Science, Dr. Harvey S. Perloff, Dean, School of Architecture and Urban Planning, University of California, Los Angeles.
- Energy-Utilities, Frank W. DeVore, Vice President, Governmental Affairs, San Diego Gas & Electric Company.
- State Government, James W. Burns, Assistant to the Secretary for State and Federal Planning, Resources Agency of California.
- Earth Science, Dr. Richard Henry Jahns, Dean, School of Earth Science, Stanford University.
- Mining-Materials, Emmett (Dean) Lemon, Manager, Environmental Affairs, U.S. Borax and Chemical Corporation.
- Outdoor Recreation, Ronald J. Sloan, Land development consultant and former member of Board of Trustees of American Motorcycle Association.
- Outdoor Recreation, Genny Schumacher Smith, Author and free-lancewriter.
- Environmental Science, W. Leon Hunter, Director, Desert Research Center, Barstow Unified School District.
- General Public, Erna Schuiling, Past President, League of Women Voters of California; Member, San Bernardino County Regional Parks Commission.
- Cultural-Historical Resources, Ruth D. Simpson, Director, San Bernardino County Museum.
- General Public, Willie Pink, Native American.

FORMAL PUBLIC COMMENT PERIODS/HEARINGS/WORKSHOPS - More than a dozen formal public hearings and workshops were held after publication of the draft and proposed plans. Numerous comments given at those sessions were transcribed and included in the official record. Written comments were also received, totaling more than 9,000 during the plan formulation.

SURVEY OF COMMUNITY LEADERS - A special survey of desert community leaders was undertaken by the Desert Plan staff. These "leaders" included elected officials, heads of local clubs and service organizations, Chamber of Commerce leadership, church and educational leaders, and many others who represented the power structure of that particular community. These interviews were mostly personal interviews that were transcribed and provided a valuable perspective in these leaders' perception and expectations. A number of problems were avoided at the outset of the planning process by utilizing these "sounding boards."

PUBLIC OPINION POLLS - A number of public opinion polls were used to determine the level of interest among the general public and identify particular concerns. Questions about the California Desert were included in general opinion polls conducted quarterly by nationally recognized polling companies.

This information provided valuable insight on public perceptions about the desert.

RECREATION USER SURVEY - Since recreation use is a prime desert activity, a questionnaire survey was conducted at a number of BLM's popular desert recreation spots. This information was used to profile desert users and determine those characteristics that would be useful in developing the recreation element of the desert plan.

RECREATION ORGANIZATIONS SURVEY - More than 400 organizations were identified as possibly having an interest in desert recreation. A large number of them participated in a survey which included both telephone contact and personal follow-ups. This survey turned up interesting and unsuspected information on the actual kinds of activities being carried out in the desert. These uses were incorporated into the planning process.

SURVEY OF EDUCATIONAL AND RESEARCH ACTIVITIES - As an important library for all types of research, the desert has long been heavily used by the scientific community. All colleges and universities in the state were polled to find out the level of this activity and their areas of concentration. This information was also integrated into the planning effort.

POSITION PAPERS - The Advisory Council members, utilizing questionnaires, contacted a wide spectrum of desert users to obtain their views or positions on how their interests should be accommodated in the desert planning. These "position" papers represented that group's values as related to the desert and its resources.

ADVISORY COUNCIL FORUMS - The Council sponsored five public forums in the panel discussion format during 1978. Each of these forums centered on a topic of high public interest, such as recreation, commercial use, major transmission efforts, physical and biological values, etc. Experts from various fields were called upon to participate in a panel format on the topic. Each of these sessions was transcribed and helped to give BLM a sound perspective on the differing views of the public on the use of these lands.

SPECIAL SUMMARY REPORTS - A report summarizing all the various views expressed was prepared after the first 18 months of the planning effort. Although viewpoints ranged widely, a promising trend appeared to be that the publics consulted supported the idea of good management and were willing to modify their activities to provide a balanced approach, as long as they perceived that balance as being fair to their interests.

COORDINATION WITH OTHER GOVERNMENTAL AGENCIES - FLPMA requires that all planning for the public lands be as consistent as possible with the plans of local governments. Consequently, the desert plan staff contacted county planning departments and planning departments of incorporated cities to ascertain the status of local planning and how it could be accommodated in the desertwide plan. State agencies were also contacted to elicit information and provide them a report on the status and direction of BLM's efforts. Other federal agencies, such as National Park Service, Bureau of Reclamation, Fish and Wildlife Service, and the military, with responsibility for substantial amounts of federal lands within the CDCA also were frequently consulted to ensure that their concerns and needs were addressed and coordination achieved.

NATIVE AMERICANS - Special meetings and briefings were coordinated with the Native American leaders and organizations to ensure their concerns were understood and incorporated into the Desert Plan. The Desert Plan team included a staff of professional cultural anthropologists and Native American specialists and they met with over 30 desert-area Native American groups. Native American concerns were identified as a major planning issue and were specifically and separately addressed in the Native American planning element of the Desert Plan.

UTILITY COMPANIES - Since utility corridors to provide power to the burgeoning Southern California population area were a key issue identified early on, soliciting future plans from utility companies and maintaining close coordination with the staff in the plan development were critical. These companies provided volumes of data and maps utilized in the planning effort.

In summary, the public involvement effort undertaken by BLM in development of the plan was objective, broad-based, and consensus-oriented. All aspects of the planning effort were open to the public and the BLM aggressively sought public input from all sectors by utilizing a wide variety of public involvement techniques.

SUMMARY OF NATURE OF PUBLIC CONCERNS:

The nature of public concerns can best be summarized by listing the issues and explaining the opposing public viewpoints which created an issue. Although virtually all responses to the draft plan indicated a preferred alternative, e.g., resource use to resource protection, the responder's position was also reflected in the concerns over individual resources. These issues and responses are summarized:

VEHICLE ACCESS AND ORVS - Some felt the draft did not clearly differentiate between vehicle access to the desert on roads and trails and vehicle "free play" and cross-country travel. The term "Off-Road Vehicle" (ORV) is imprecise. Extreme pro and con positions were taken regarding ORVs. There was general agreement regarding the need for vehicle access to the desert; great disagreement regarding the degree and methods of managing and controlling that access.

WILDLIFE PROTECTION - Concern about the impacts of human use in the desert was stated in terms of limiting or prohibiting uses to protect wildlife. Rare, threatened, or endangered species should be protected. Important wildlife habitat should be safeguarded. Conversely, others expressed the view that unreasonable wildlife protection eliminated important economic and recreational uses.

WILDERNESS - The concern centered on how much wilderness is enough. Wilderness proponents sought more and broader wilderness areas on the public lands in the CDCA. Users who would be limited or precluded, particularly miners, asked for fewer and nonconflicting areas. Military concern was expressed about impacts of wilderness on air space.

ACECS - Areas of Critical Environmental Concern (ACECs) were generally supported. Protection-oriented comments favored as many and as large ACECs as possible. Consumptive users favored fewer designated ACECs and smaller areas that included only the most critical area.

MINERAL EXPLORATION AND DEVELOPMENT - Keeping as much land area as possible available for mineral exploration, with minimum reasonable constraints on economic development, was a concern of some, while others favored limiting available areas and providing rigid controls to ensure the protection of sensitive resources.

ENERGY AND UTILITIES - There was a disagreement about the number of utility corridors needed to meet projected utility needs at reasonable cost and reliability while fully protecting sensitive locations. There were also strongly voiced concerns about the need for proper environmental review and controls before power plant sites were provided in the CDCA.

BURROS - Overwhelming concern was expressed about the impacts from high numbers of burros in the CDCA. Concern was expressed that proper positive management for burros be provided.

LIVESTOCK GRAZING - Providing grazing areas and levels sufficient to maintain the economic stability of the livestock industry on public lands in the CDCA, while maintaining or improving rangeland conditions, was the main concern of the industry. There was also a major dispute about the effects of livestock grazing on natural systems, particularly wildlife.

CULTURAL RESOURCE PROTECTION - Potential irretrievable loss of historic, cultural, and Native American resources and values was a major concern. Both direct impacts from economic users, as well as possible indirect impacts from burro presence and vandalism were feared. Users agreed that protection of these resources was important, but felt that the constraints proposed by some were unreasonable.

RECREATION - There was a major, direct conflict between low impact users (nature study, hiking) and higher impact users (motorcycle racers, vehicle enthusiasts). All agreed that the desert was a place for solitude and adventure and that these values could be impacted by overuse as well as misuse, and by excessive regulation.

USE OF PUBLIC INPUT

Tabulation and analysis of the public comments were important, complex tasks. The BLM's process of analysis and tabulation was audited by a team from the California League of Women Voters, who had agreed to perform the audit to ensure that the public comments received on the draft were analyzed thoroughly and impartially, and were fairly presented in a form that would provide the fullest opportunities for consideration in the decisionmaking process. The team reviewed the process that prepared the input for analysis.

This included sorting comment documents, assigning documents for analysis categorization, and coding of documents.

Following analysis and tabulation of the comments, issues raised were subjected to a series of reviews in order to produce recommendations for development of the proposed plan.

The first review was performed by a steering committee composed of the BLM State Director, Desert Plan Director, and the District Managers. The steering committee considered issues ranging from general trends in public opinion to technical discussions of specific sites or resource problems. Their first concern was to determine whether the issue under consideration could be addressed within the scope of the proposed plan. Issues requiring specialized analysis were referred to a BLM plan development team composed of interdisciplinary specialists. The plan development team developed analyses of these issues, complete with options, impacts from the options, and team recommendations, and returned them to the steering committee. From the plan development team's efforts, the steering committee formulated preliminary plan possibilities which considered land situation and resource capability; law and policy compliance; national, regional, and local goals; and professional judgments of management feasibility.

The steering committee's recommendations were presented to the CDCA Desert Advisory Committee for review to assure that both public input and the results of the resource analysis of the plan development team were adequately considered.

The agreed-upon recommendations, along with the now narrowed range of unresolved issues, were presented to the BLM Management Review Team for final decision or approval. This team consisted of the BLM California State Director, the Associate State Director, and representatives from the Bureau's Washington Office. Developed criteria, recommendations and analyses provided a basis for decision with legal and policy compliance, management feasibility, and balancing of national and regional goals as primary factors. Multiple use management priorities and direction were thus established.

DESERT PLAN

2. QUESTION. Am I correct that the Desert Plan recognizes that many lands in the California Desert deserve special protection because of their natural, scenic, ecological, wildlife, or cultural resource values? These are the so-called "Class C" and "Class L" lands? And being designated this way means they are to receive special management and protection?

RESPONSE. Yes. The Desert Plan delineates four multiple-use classes to guide the management, use, and protection of the public lands. Class C (Controlled Use) and Class L (Limited Use) recognize and protect these more sensitive and significant lands where special environmental safeguards are needed. Class C lands are to be recommended for wilderness, while lands designated as Class L are managed to provide for appropriate low-intensity, carefully controlled uses. Areas of Critical Environmental Concern (ACEC) are also delineated in the Desert Plan for additional protection of key values.

DESERT PLAN

3. QUESTION. How many acres of BLM land in the California Desert were given such designations? (Note: S.7 protects a total of 7.5 million acres of BLM land.)

RESPONSE. More than half the land base (65.8%) was designated in 1980 either as "to be recommended for wilderness" or as limited use to protect sensitive, scenic, natural, ecological, and cultural values. These two land classes focus management attention to protecting sensitive resource values. After 6 years of planning amendments, fully 66.1% of the land base is within these two limiting/protective land use classes. About 1.9 million acres exist in Class C (controlled); these are areas proposed for wilderness preservation; and about 5.9 million acres are in Class L (limited use); these lands are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. Thus, approximately 7.8 million acres are protected by BLM under the Desert Plan. In addition, there are 3.3 million acres of Class M lands that, while allowing a few more uses, do provide protection to sensitive resources.

DESERT PLAN

4. I would like to clarify my understanding of how these lands are managed when they receive the "Class C" and "Class L" designations.

a. Off-Road Vehicle (ORV) Use:

- QUESTION. Is off-road vehicle use allowed in these lands?

  RESPONSE. No off-highway vehicle use is allowed in Class C and Class L except on approved routes of travel. In fact, the Desert Plan identifies Class C lands as closed to vehicle access, since these areas will become designated wilderness if Congress acts on BLM's suitable recommendations. In the interim, certain limited access on approved routes of travel is permitted based on the Interim Management Policy and the Desert Plan Access Element, whichever is more restrictive.

  Class L lands are also limited to designated routes of travel. The Bureau has just completed its route access implementation inventory study process and is presently printing Desert Access Guides and signing routes in the Class L areas.

  Critical factors in off-road vehicle use in Class C and Class L lands are the definition of what constitutes a road and the importance of roads for access to desert areas. For wilderness inventory purposes, the term "roadless" is officially defined as "the absence of roads which have been improved and maintained by mechanical means to insure regular and continuous use." Although the areas proposed for wilderness designation in S.7 contain no improved or mechanically maintained roads, they do contain many "ways" which are maintained solely by the passage of vehicles. These ways currently provide essential access for recreational and other users of these areas, access that is permitted under BLM's Interim Management Policy but would not be permitted under wilderness designation. Such access is especially important in desert areas where severe environmental conditions often make nonvehicular means of access impractical and even dangerous.

  A critical criterion in the development of the Plan was that the desert remain accessible. Therefore, the Plan adopts a basic philosophy that the desert cannot be used or enjoyed without some form of vehicular access. While controls are needed in sensitive areas, the Plan provides for legitimate access needs.

- QUESTION. Are off-road vehicle races ever allowed in these lands?

  RESPONSE. A few off-road vehicle race permits which have routes through Class C lands have been issued. In all instances, the courses used routes that existed prior to the wilderness inventory and the environmental assessments and subsequent monitoring showed no impairment to the wilderness characteristics. These race permit(s) do not allow for starts or finishes in Class C and L lands or any permanent routes in Class C areas. Wherever possible, the Bureau uses alternate routes and only uses routes in Class C and Class L areas if no other alternatives exist.

- QUESTION. How many acres of Class C and Class L lands are designated "open" for ORV use?

  RESPONSE. No Class C lands within the CDCA are classified open but some have limited access on existing routes of travel as described above. Only 70,000 acres out of the 5.9 million acres of Class L lands are open to OHV use in the desert, all in the Imperial Sand Dunes (South Algodones north of Highway 8) where use is relatively low, travel is primarily across stretches of loose sand, and where designating routes of travel is not possible because of shifting sands.

- QUESTION. How many acres of these lands are formally designated "closed" to ORV use?

  RESPONSE. There are approximately 11.5 million acres closed to unlimited OHV play use. The 1.9 million acres recommended as wilderness areas in the Desert Plan will be closed to all motorized vehicle use when Congress acts. On the 5.9 million acres of Class L lands ORV use is limited to designated routes of travel and on the 3.3 million acres of Class M it is limited to existing roads and trails.

b. Mineral activities:

- QUESTION. Is mineral exploration allowed in these lands? Seismic exploration? Exploratory drilling? Surface excavation?

  RESPONSE. Consistent with the intent and letter of the law, mineral exploration (i.e., seismic exploration, exploratory drilling, and surface excavation) is allowed in Class C and those Class L lands that are wilderness study areas, if the activities do not impair the lands. Section 603(c) of FLPMA states "Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character." On other Class L lands that are not wilderness study areas, these activities are allowed after an environmental assessment is completed and necessary mitigation measures to protect the resources values of the area and provide for reclamation of disturbed areas are developed.

o QUESTION. Are new mining operations allowed even if the mining claims are established post-FLPMA? What types of surface disturbances are allowed on post-FLPMA claims?

RESPONSE. Yes. In accordance with section 603(c) of FLPMA, unless lands have been previously withdrawn from the mining laws, they continue to be subject to location and mining during the wilderness review period. This remains true unless the lands are withdrawn during the study process by the Secretary for reasons other than preservation of their wilderness character. However, no surface disturbances that impair are allowed. A mining plan and reclamation of disturbed areas are always required, and BLM has the authority under 43 CFR 3802 to disapprove proposed activities based on environmental analysis that determines unnecessary or undue degradation of the public land or impairment of WSAs. Likewise, mining plans in Class L non-WSA areas will not be approved if those activities will create unnecessary or undue degradation.

California is scheduled to submit its Statewide Wilderness Report to the Washington office in June 1989. Current direction is to have impacts removed and the WSAs reclaimed so that any surface disturbance remaining will be substantially unnoticeable in the WSA as a whole at that time. The Bureau's reclamation policy requires that any temporary impacts must ". . . at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the Wilderness Study Area (or inventory unit) as a whole . . . ." The policy further states that "the operator will be required to reclaim the impacts, and that reclamation will, to the extent practicable, be done while the activity is in progress." The basic elements of reclamation include: "a) the contouring of the topography to a natural appearance (not necessarily the original contour), b) the replacement of topsoil, and c) the restoration of plant cover at least to the point where natural succession is occurring."

The degree of reclamation, ranging from the mere removal of any temporary facilities or structures to large-scale reclamation efforts involving all three basic elements (contouring, replacing topsoil, and restoring vegetation) depends on the specific situation. Reclamation may involve none, one, two, or all three of the basic elements. Thus, each proposal or action must be evaluated on its own merits and on the particular environmental conditions which exist.

c. QUESTION. Are roads allowed to be constructed in these areas?

RESPONSE. Roads are not allowed in Class C areas, except as necessary to meet valid existing (grandfathered) rights, or for nonimpairing or emergency use to protect public health and safety. Such roads must be the minimum necessary and may be restricted to certain periods of use. They are not open to the general public.

Roads may be constructed in Class L area, subject to an environmental assessment. If the area is also a wilderness study area (WSA), a nonimpairment analysis is required. Reclamation of WSAs must be completed to the point of being substantially unnoticeable in the WSA as a whole by the time the California State Director of BLM submits his recommendations to the Bureau Director (June 1989).

MINERAL SURVEYS OF WILDERNESS STUDY AREAS

1. QUESTION. As I understand it, you oppose Congressional consideration of wilderness designation in the California Desert until completion of your wilderness studies. When will your study results be submitted to the Congress?

RESPONSE. The Congressional deadline set by FLPMA is 1991. However, preliminary wilderness recommendations were made in the 1980 Desert Plan as directed by Congress in the Federal Land Policy and Management Act of 1976. Recommendations on wilderness areas will be proposed to Congress following the established planning and study process with the public. Wilderness study results including preliminary recommendations on the wilderness areas will be submitted by California's BLM State Director to the Bureau's Director by June of 1989, then to the Department of the Interior by the Bureau of Land Management, then to the President by the Department, and then to Congress by the President, as established by law.

MINERAL SURVEYS OF WILDERNESS STUDY AREAS

2. QUESTION. Do I understand correctly that the California Desert plan completed in 1980 included your recommendations on which wilderness study areas (WSAs) should be designated as wilderness? Why have those recommendations still not been forwarded to Congress?

RESPONSE. The Desert Plan included recommendations on wilderness study areas. However, the recommendations have not been submitted to Congress because the mineral surveys mandated by Section 603(a) of the Federal Land Policy and Management Act have not been completed by the US Geological Survey and Bureau of Mines. The recommendations for 225 California WSAs are scheduled to be submitted to the Bureau Director by June 1989.

MINERAL SURVEYS OF WILDERNESS STUDY AREAS

3. QUESTION. When will you complete the wilderness mineral surveys being conducted by the U.S. Geological Survey and the Bureau of Mines? Are these surveys being completed on all WSAs in the California Desert? If not, why? So even if Congress decides to wait until you complete your planned surveys, you would still not be providing mineral survey reports on all the WSAs in the Desert?

RESPONSE. The mineral ~~surveys~~ resource field studies on preliminarily recommended suitable areas will be completed by USGS and Bureau of Mines in the fall of 1988. The mineral surveys are being conducted on wilderness areas that will be recommended as suitable and not on areas that will be recommended as nonsuitable. Sec. 603 of FLPMA states "that prior to any recommendation for the designation of an area as wilderness, the Secretary shall cause mineral surveys to be conducted by Geological Survey and the Bureau of Mines. . . ." Congress specifically provided that only areas that would be recommended as suitable for wilderness should have mineral surveys, not areas that the Secretary believed to be nonsuitable for wilderness.

FUNDING AND STAFF

1. The 1980 Desert Plan stated that "substantial budgetary increases will be required over the next 10 years to effectively implement programs and planning decisions set out in the Plan." The Plan projected what those budget and manpower needs would be. For the first half of this decade, it estimated a need of more than $13 million for each year.

a. QUESTION. Have your budget requests followed those estimates?

RESPONSE. The California Desert Conservation Area Plan outlined optimal funding levels for implementing the planning decisions. The Bureau's budget requests do not identify funds separately for the California Desert. However, since 1981 the President's Budget has consistently included funds for carrying out management activities in the Desert. In light of continuing fiscal constraints, it is significant that funding levels for the California Desert reflect a steady rise over the last several years.

b. QUESTION. Did the agency's budget recommendations for FY 1988 provide the level of funding called for in the 1980 California Desert Plan, about $23 million?

RESPONSE. The Desert Plan made yearly projections only through 1985; for the period covering FY 1986 through FY 1990 an overall estimate of $115 million was projected. Funding for the California Desert was included as part of the justification for the Bureau's FY 1988 budget request in the appropriate subactivities. However, the President's budget does not specify the overall funding level for the California Desert.

c. QUESTION. What was your request for FY 1988?

RESPONSE. The FY 1988 President's budget included funding within all appropriate subactivities for the California Desert. Funds are not identified separately for the California Desert in the Bureau's budget request. However an estimated $8.8 million is included for the Desert, including contributed funds.

d. QUESTION. Please provide the committee with a summary table of the budgets requested for the California Desert Conservation Area in each Fiscal Year from 1981 through FY 1987, and the amount spent in the CDCA for those years.

RESPONSE. Funds requested for the California Desert are included in all appropriate budget subactivities and are not identified separately in the President's budget. The following table shows amounts spent from appropriated and non-appropriated sources, such as reimbursable projects and contributions, compiled from the Bureau's Financial Management System and internal district office records.

Fiscal Year	Recommended in Desert Plan (000,000)	Amount Spent ($000,000)		
		Appropriations	Other Sources	Total
1981	6.5	5.4	.1	5.5
1982	11.1	5.1	.1	5.2
1983	14.3	5.6	.1	5.7
1984	17.1	5.7	.4	6.1
1985	18.7	6.1	.8	6.9
1986	*	6.2	1.3	7.5
1987(est.)	*	---	----	8.6

*Not specifically stated by year in Desert Plan; recommended $115 million over the fiscal year period from FY86 through FY90.

FUNDING AND STAFF

2. The Desert Plan called for steady growth in permanent and seasonal employee numbers to Fiscal Year 1990.

a. QUESTION. Has this growth occurred and does your FY 1988 budget allow it to continue at the same pace depicted in the 1980 plan?

RESPONSE. The level of staffing in the California Desert has remained relatively constant since 1981 even as other areas were experiencing a decrease. The FY 1988 President's budget will allow the Bureau to maintain the current staffing levels in the Desert.

b. QUESTION. It is our understanding that the current staff level in the CDCA is approximately 150 positions. Is this correct?

RESPONSE. Current (FY 1987) permanent California Desert District staffing level is 160. It must be understood that due to turnover, all positions are not filled at any one time.

c. QUESTION. The Desert Plan called for a total of 193 permanent and 110 seasonal positions by 1985, how many permanent and seasonal staff does the administration's FY 1988 budget provide for in the CDCA?

RESPONSE. The present staffing level in the California Desert is approximately 160 personnel. This level reflects a deviation of 33 when compared to the "optimal staffing level" of 193 that was included in the 1981 Desert Plan. The House Interior Appropriations Committee Report has recommended the addition of 20 ranger positions for the California Desert in FY 1988 which would bring the total number of positions to 180.

d. QUESTION. How will the BLM accomplish the goals set out in the Plan with the funding and staff levels so far below what the area's management plan calls for? For example, we have been told that only 6% of the entire CDCA has been intensively inventoried for archaeological resources, is that correct?

RESPONSE. Since the completion of the Desert Plan, BLM has concentrated on high priority issues, including protecting sensitive habitat and wilderness study areas. The Desert Plan, through the multiple use classes, has provided a framework for making sound land use decisions similar to the guidance provided by zoning ordinances in urban areas. For example, the utility corridors designated in the plan have accommodated a number of major power and pipeline developments across the desert and brought to a halt the proliferation of powerlines which were beginning to dominate the landscape in certain areas.

The Rangers have been concentrated in those areas of the desert where heavy recreational use has historically occurred and where a change in use patterns is needed to protect sensitive resources. This involves keeping off-highway vehicles on designated routes or in designated "open" areas and out of sensitive "closed" areas of the desert.

The Bureau has also made use of Cooperative Management Agreements with organizations such as the Nature Conservancy which has allocated dollars to hire a Ranger. More than 150 different types of agreements exist with academic, private, and public entities in the desert. The Bureau has also received contributed funds from the State of California to improve off-highway vehicle management of desert lands. Funds likewise have been received from the State of California to manage wildlife habitat programs. Of particular importance have been recent challenge grants that have improved public and private cooperation to resolve significant land resource issues and have enhanced desert resources. Challenge grants occur when Federal funds are matched by outside organizations to expand wildlife management capabilities. BLM has several such initiatives under way in the desert, including a cooperative effort with the California Bighorn Research Institute and the Bighorn Sheep Society to enhance bighorn sheep habitat.

The data which was gathered during the preparation of the Desert Plan have provided a baseline for preparing environmental assessments and developing mitigation measures to protect wildlife, vegetation, sensitive soils and geology, cultural values, and water and air quality. These measures have become stipulations attached to leases, rights-of-way, plans of operation, and material sales. These measures are also included in the development of Bureau initiated projects such as fences, pipelines, and water developments.

With regard to archeological inventory, approximately 6 percent of the California Desert District has received intensive field inventory (Class III). In addition, we estimate that sample field inventories (Class II) with varying degrees of intensity cover 10 to 12 percent of the Desert. The Bureau has also completed state-of-the-art cultural resource literature reviews and overview reports (Class I inventory) for the entire Desert. These inventories, together with more recent project-specific studies concerning Native American values, constitute a data base which is superior to that developed by any other land management agency in the California Desert.

In general, Class I and II surveys are appropriate for planning and management decisions. However, when specific surface disturbing actions are being considered, Class III surveys are generally conducted as part of the National Environmental Policy Act compliance.

e. QUESTION. Please provide the committee with a breakdown of the number and type of positions (archaeologists, wilderness specialists, range conservationists, geologists, etc.) in the California Desert Conservation Area from 1981 through 1987.

RESPONSE.

CALIFORNIA DESERT DISTRICT PERMANENT STAFFING
FY81-87

FISCAL YEAR	81	82	83	84	85	86	87
POSITIONS							
GEOLOGIST	6	6	8	8	8	8	8
REALTY	9	8	10	16	16	14	14
RANGE	7	5	5	5	5	5	5
RECREATION/INTERP/VIS.SERV.	16	13	10	12	12	14	14
WILDERNESS	6	6	6	5	5	5	5
ARCHEOLOGY	6	6	6	6	6	6	6
WILDLIFE	8	7	7	7	7	7	7
HYDROLOGIST	1	1	0	0	0	1	1
BOTANIST	6	5	4	2	1	0	1
SOIL SCIENTIST	5	1	1	1	1	0	0
LANDSCAPE ARCHITECT	2	2	1	0	0	0	0
ENVIRONMENTAL SPECIALIST	5	1	1	2	2	1	1
COMMUNITY PLANNER	2	0	0	0	0	1	1
CIVIL ENGINEER	2	1	1	1	1	1	1
MINING ENGINEER	1	1	2	1	1	0	0
PETROLEUM ENGINEER	0	0	0	0	1	1	1
PUBLIC AFFAIRS	3	2	1	1	1	1	1
HORSE/BURRO SPECIALIST	1	1	1	1	1	1	1
RANGERS	17	17	17	17	19	19	22
OTHERS (MANAGEMENT, ADMINISTRATIVE, OPERATIONS AND COMPLIANCE)	76	81	67	68	78	74	71
TOTAL	179	164	148	153	165	159	160

MINING ACTIVITY

1. QUESTION. Could you explain which minerals are now being mined in the California Desert? Approximately what percentage of total U.S. mineral production comes from the Desert? Approximately what percentage of total U.S. mineral usage comes from minerals that come from the Desert?

RESPONSE. The following is a list of mineral commodities being mined in the California Desert based on data for 1986 from the Bureau of Mines with some information from the California Division of Mines & Geology (State) 1987 field units:

Calcium Borates
Sodium Borates
Rare-earth compounds
Gold
Silver
Sand and Gravel
Crushed Stone
Ornamental Stone
Sodium Carbonate
Calcium Chloride
Sodium Sulfate
Potassium Salts
Limestone
Lime

Geothermal Energy

Perlite
Salt
Pumice
Feldspar
Clays
Cement
Gypsum
Talc & Pyrophyllite
Gem Stones
Tungsten
Molybdenum
Copper

Kyanite (as a source of aluminum for cement)

Sodium borate and calcium borate production in the CDCA amounts to 100% of US production.

Rare-earth mineral production in the CDCA comprises about 97% of US production.

Geothermal production from the CDCA presently equals 95 Megawatts, enough energy to supply the needs of 95,000 people or more than enough to provide 91 percent of the energy needs of Imperial County, California where the plants are located. This production constitutes 13 percent of California geothermal production and 12 percent of the National geothermal production. Construction of new plants in the Coso Known Geothermal Resource Area in the northern portion of the Desert in Inyo County is presently underway, and will increase the energy production when the plants come on line.

The United States Bureau of Mines maintains statistics on other mineral commodities, but has not separated out figures for just the California Desert.

MINING ACTIVITY

2. QUESTION. There are those who seem to suggest that most of the mineral potential of the California Desert has already been tapped. How would you respond to that suggestion?

RESPONSE. About 65 minerals have either been mined in the past or have potential reserves in the desert capable of being mined in the foreseeable future. Twenty-four are considered strategic and three are critical to the nation. Recent mineral inventories by the State of California, Division of Mines and Geology, the U.S. Bureau of Mines and U.S. Geological Survey indicate that significant deposits of talc, gypsum, gold, limestone and other minerals do exist within S.7's proposed park and wilderness boundaries.

Molycorp at Mountain Pass is currently conducting exploration activities which suggest its rare-earth ore body extends both north and south into the proposed Mojave National Park. The discovery of new high temperature superconductor materials (made from rare-earths) capable of transmitting electric current without the resistance that ordinarily wastes energy in the form of heat has opened the door to a host of future applications. The Desert produces 97% of this country's rare-earths from Mountain Pass. There is excellent potential for rare-earths to occur in other parts of the Desert.

Further, the major impact of S.7 on mineral production in the California Desert is that it will close a significant portion of the Desert to further exploration and development activities. The assumption seems to be that all reserves are known, that no new discoveries will be made or needed in the future, that no new technology will be developed, and that markets do not change. These assumptions, of course, are wrong. We have seen it with gold over the last 10 years and all minerals respond in a like manner. The rise in the price of gold in the late 1970's, the development of inexpensive heap-leaching technology since 1980, cheaper fuel prices and better financing allowed Gold Fields to discover and develop a major (150,000 oz. gold/year; Mesquite Project) mine for disseminated (microscopic) gold thought to be worthless for only a few years ago. An additional 150,000 oz. per year will be produced from other new expansions of mines in the desert. It is this potential for new discoveries, expansion of existing mines, and development of known reserves not currently economical to develop that is at stake with S.7.

Statements made by the late Dr. Vincent McKelvey, former Director of the U.S. Geological Survey confirm our evaluation. He said, "Appraising mineral resources is an emerging science. A final, once and for all "inventory" of any mineral resource is nonsense. Mineral reserves and resources are dynamic quantities and must constantly be appraised. As known deposits are exhausted, unknown deposits are discovered, new extractive technologies and new uses are developed and new knowledge indicates new areas and new environments are favorable for mineral exploration."

It is also misleading to say that provisions of S.7 will protect all valid existing rights associated with valid mining claims. The mere existence of mining claims does not accord a miner "valid existing rights." The miner may have a promising prospect but unless the miner can prove an economic ore body today, the claim will be cancelled and consequently a future economic venture and perhaps a critically needed mineral development will be precluded. Several factors are involved which may significantly impede further development of those properties and impede the ability of claims to pass the valid existing rights test.

In addition, even if the test for valid existing rights can be met, there are additional burdens that will be placed on the operator. These include:

1) Added restrictions (as experienced in the establishment of Death Valley National Monument):

   a. Additional environmental constraints will be imposed (i.e., severe reclamation requirements resulting in extremely high costs).

   b. Additional access constraints will be instituted, resulting in higher costs for transportation of equipment and mined material.

   c. Limited expansion of existing mine or facilities will result in early shut-down and loss of financial gain and incentive and loss of potential production if the facility cannot expand.

   d. Limit on type and size of mining equipment will result in increased costs to the operator and loss of ore due to reduced extraction capability.

2) Appropriation of water sources will be impacted; most mining operations need water to process ore, provide drinkable water for employees, etc. Reduction in water sources will require costly expenditures to import water to the mine or processing site.

3) Limited or rejected future exploration activities, resulting in early shut-down and loss of potential financial gain and incentive.

MINING ACTIVITY

3. QUESTION. What precautions do you take so that mining activities will not cause irrevocable harm to the Desert ecosystem? Please detail the reclamation actions you take.

RESPONSE. Mining activities are controlled by regulations (43 CFR 3802 and 3809). Mining is also controlled by the Bureau's wilderness Interim Management Policy and by the multiple-use class guidelines of the Desert Plan. Mining in a WSA must not impair wilderness values, and any temporary impacts must be fully reclaimed by June 30, 1989. In most cases, an operator must receive approval by BLM on a plan of operations before any development activity may be undertaken. Appropriate stipulations and mitigation measures, if needed, are included as a condition to plan approval. If the area is a wilderness study area (WSA), a reclamation plan must be prepared and a bond must be posted. Reclamation includes replacing topsoil, contouring to a natural appearance, and restoring vegetation at least to the point where natural succession is occurring. The BLM has adopted detailed WSA reclamation procedures for California. We can provide photos of many sites that have been reclaimed since 1980.

Exceptions to this policy are valid existing rights and grandfathered uses specified by FLPMA. Valid existing rights and grandfathered uses of minerals may continue in the same manner and degree in which they were being conducted on the date of approval of FLPMA, even if such use would impair wilderness suitability.

MINING ACTIVITY

4. QUESTION. Are you allowing new mining claims to be established in wilderness study areas?

RESPONSE. As provided by Section 603(c) of the Federal Land Policy and Management Act, new mining claims may be located within WSAs unless the lands have been previously withdrawn by the Secretary for reasons other than wilderness preservation. However, development of new claims (claims filed after 10/21/76) is subject to the Bureau's wilderness Interim Management Policy and 43 CFR 3802. Such development must not impair wilderness values, and any temporary impacts must be fully reclaimed to the point of being substantially unnoticeable in the WSA as a whole by June 30, 1989. It is estimated that 160 mining/reclamation plans have been filed in BLM WSAs within the CDCA.

OFF-HIGHWAY VEHICLE USE

1. QUESTION. How many miles of unpaved, maintained roads are there in the California Desert? How many miles of unpaved, unmaintained routes are there in the Desert? Do you allow off-highway vehicle use on unmaintained routes of travel? Do you allow off-highway vehicle use off designated routes of travel?

RESPONSE. The Bureau has been using the figures 21,000 miles of unmaintained roads (routes of travel) and 15,000 miles of maintained roads. These figures were compiled in 1978 by the University of California at Riverside under contract with the Bureau. They are not actual measurements of routes because at the time, no complete inventory of roads and trails existed. The contractor used statistically selected area samples covering the entire desert. These sample areas were inventoried using 1978 aerial photos.

The numbers derived from the sample areas were then expanded to represent the 12.5 million acres of public land managed by the BLM in the CDCA. The Bureau allows motorized vehicle use on unmaintained routes of travel unless such routes are designated closed through the route designation process. Except in areas designated "open" to motorized vehicle use, all motorized vehicles must stay in designated routes.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

The following questions deal with issues relating to the Bureau of Land Management's (BLMs) interim management of Wilderness Study Areas in the California Desert under the Federal Land Policy and Management Act of 1976 (FLPMA).

1. QUESTION. Does FLPMA require the BLM to manage WSAs so as not to "impair" their suitability for wilderness designation until Congress can decide which areas to designate?

RESPONSE. Yes. Section 603(c) of FLPMA sets out very clearly how WSAs are to be managed pending Congressional action:

- The Secretary is to continue to manage these lands according to his authority under FLPMA and other applicable law;
- in a manner so as not to impair the suitability of such areas for preservation as wilderness--
- subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of FLPMA.
- In managing the public lands, the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection.
- Unless previously withdrawn from appropriation under the mining laws, the lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary in accordance with FLPMA for reasons other than the preservation of their wilderness character.

It is our opinion, based on the law and the legislative history of FLPMA, that this section requires the Secretary to allow mining and off-highway vehicles in WSAs so long as the environmental and nonimpairment requirements of the Act are met. Any other action would be a violation of the law, and denial of privileges and rights protected by FLPMA pending wilderness decisions to be made by Congress. In fact, Congress would not have allowed location of mining claims in WSAs if it did not anticipate some surface disturbance and actual extraction of the mineral resource.

BLM's Interim Management Policy (IMP), in carrying out this Congressional intent, permits actions which do not impair wilderness values. This means that any impacts are temporary and are reclaimed to the point of being substantially unnoticeable by the time the Secretary transmits his recommendations to the President. Congress did not define impairment and BLM adopted a highly conservative definition.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

2. QUESTION. Has the BLM ever authorized an activity in a WSA that would not meet that "nonimpairment" criteria?

RESPONSE. No. Following a careful process, BLM has authorized 555 actions in WSAs in the Desert since 1980. Many of these actions will not require any reclamation as they did not cause any surface disturbance. At this time, approximately 118 authorized actions have been fully reclaimed or are being reclaimed.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

3. QUESTION. Are you aware of any specific case in which a judge has held that the BLM allowed such an impairing activity?

RESPONSE. No.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

4. QUESTION. Has the BLM ever had to spend taxpayer dollars to clean up mining activities that were allowed to take place after the Desert Plan was adopted?

RESPONSE. In a few cases, BLM has expended funds to clean up unauthorized mining activities. The Bureau also seeks to recover such costs through legal means and has been successful in most cases.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

5. QUESTION. Judging whether an activity meets the "nonimpairment" criteria requires the exercise of judgment. Is there any case where the BLM's judgment was clearly wrong?

RESPONSE. No.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

6. QUESTION. Has a judge ever held that the BLM violated any other part of FLPMA besides section 603(c)'s "nonimpairment" criteria?

RESPONSE. No. However, in American Motorcyclist Association v Watt, 714 F.2d 962, the court held that there was a likelihood that BLM had violated certain procedural requirements of FLPMA (primarily notice and comment) in implementing parts of the California Desert Plan.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

7. QUESTION. I understand that the Saline Valley has been ranked by the BLM as the top WSA in the California Desert. Has any road construction taken place there since the Desert Plan was adopted?

RESPONSE. The Bureau has recommended the area as suitable for wilderness designation and has ranked it highly. A prospector bulldozed an unauthorized road in the Saline Valley WSA in 1985. The Bureau sought and obtained a court order requiring the prospector to halt construction and reclaim the disturbed area. Subsequently, BLM approved a mining plan of operations under 43 CFR 3802 which allowed a temporary 2-mile long access road to the prospector's mining claims as required by law. The approved route followed an existing sandy wash and was determined to be nonimpairing. As conditions to the approved plan, BLM imposed 19 stipulations including reclamation of the road.

INTERIM MANAGEMENT OF WILDERNESS STUDY AREAS

8. QUESTION. Are you aware of any case where someone is squatting on a WSA by abusing their rights under the 1872 Mining Law?

RESPONSE. Two cases are currently being pursued by the Bureau in administrative proceedings.

PARKS

Regarding mining within units of the National Park System, it may be useful to get on record the National Park Service experience at Death Valley since the Mining in the Parks Act of 1976.

The Mining in the Parks Act of 1976 required the NPS to conduct a validity determination for all claims within the boundaries of units of the National Park System.

1. QUESTION. Was such a validity review conducted at Death Valley National Monument?

RESPONSE. Yes.

PARKS

2. QUESTION. How many total claims have been reviewed for validity within Death Valley National Monument?

RESPONSE. According to the National Park Service, approximately 900 claims were reviewed for validity and about 800 of those were contested by the National Park Service.

PARKS

3. QUESTION. Of this total that were reviewed, how many were actually determined to be valid?

RESPONSE. According to the National Park Service, approximately 110 were actually determined valid and 21 remain in some form of legal proceedings.

PARKS

4. QUESTION. Is there any reason to believe that a similar validity determination for claims within the proposed S.7 park additions, would have a different result? In other words, if at Death Valley only 10% of the total original claims were actually valid, would you expect similar experience within the proposed new park areas?

RESPONSE. Mineral determinations relative to any mineral rights depend upon many factors. No experienced mineral professionals would categorically concur with this statement as the percentage of claims found to be valid in another area of the Desert may well be substantially different. New technology may also influence a determination of the validity of the mining claims.

PARKS

5. QUESTION. Is there currently active mining within the boundaries of Death Valley National Monument?

RESPONSE. According to the National Park Service, there is no active mining (production) within the California boundaries of the Death Valley National Monument on the 118 patented and 11C unpatented mining claims. Within the Nevada boundaries of the Death Valley Monument, no activity is under way on patented or unpatented claims except for one claimant who hopes to begin gold mining in August 1987. Also, there are two plans of operations existing for exploration only.

With respect to active mining, it was informative to learn that U.S. Borax, American Borate/Owens Corning Fiberglass, Pfizer/John's Mansville companies which had operations in-place with valuable mineral resources, both patented and unpatented, recently ceased production within the Death Valley National Monument. We have been told that factors that prompted the closures included NPS's aggressive policy concerning validity exams with respect to establishment of a date of valuable discovery, and the inability to locate millsites and ancillary operations within the Death Valley National Monument both which are essential to a profitable mining operation.

PARKS

6. QUESTION. Is this mining activity regulated by the National Park Service?

RESPONSE. Yes, under regulations at 36 CFR 9.

PARKS

7. QUESTION. How do NPS regulations over mineral activities differ from BLM regulations governing such activities?

RESPONSE. Regulations for mining on National Parks are significantly stricter than regulations for mining on public lands. Also, BLM has two different sets of regulations governing mining activities on public lands; i.e., 43 CFR 3802 for Wilderness Study Areas (WSAs) and 43 CFR 3809 for lands outside WSAs. The differences are best displayed in the following comparison between BLM regulations on Public Lands (43 CFR 3809) and NPS regulations (36 CFR 9) and also a comparison of BLM regulations on Wilderness Study Areas (43 CFR 3802) with the NPS regulations (36 CFR 9):

BLM Regulations 43 CFR 3809 (Public Lands)	NPS Regulations 36 CFR 9 (NPS Lands)
PURPOSE: Prevent unnecessary or undue degradation.	PURPOSE: Prevent or minimize damage to the environment or other resource values, and insure the pristine beauty of (park) units are preserved for the benefit of present and future generations.
REQUIREMENTS:	REQUIREMENTS:
1. Casual use allowed without - negligible disturbance - removing small mineral samples - no earth moving equipment - use of motorized vehicles allowed on existing roads	Casual use - N/A
2. Notice	2. Notice
Required if surface disturbance is 5 acres or less and does not involve special category lands. - no formal Environmental Assessment required. - submitted 15 days prior to commencing operations. - no formal approval by BLM. - monitoring by BLM staff to assure compliance.	N/A

43 CFR 3809 (cont.)	36 CFR 9 (cont.)
3. Plans of Operations	3. Plans of Operation
Required if surface disturbance exceeds 5 acres or for any disturbance beyond casual use or in special category lands as follows:	Required for all level of activity.
- California Desert Conservation Area "L and C" lands - Areas of Critical Environmental Concern - Established wilderness areas - Areas withdrawn from mining - Areas designated as limited or closed to off road vehicles	- Wild & Scenic Rivers
3a. Contents of Plan and Approval Process	Contents of Plan and Approval Process
- Miner must submit information of where, when, how, etc. Includes description of access and measures to be taken for environmental protection, including reclamation.	- Same as 3809, but also requires operator to describe nature and extent of known deposit to be mined.
- BLM usually prepares environmental analysis.	- Operator submits environmental analysis for review.
- Plans are reviewed and Environmental Assessments are completed. Reviewed for unnecessary or undue degradation, and the requirements of the Endangered Species Act and Section 106 of the National Historic Preservation Act.	- Same as 3809. - Plans will not be approved for: 1. Claims patented without surface use restriction, causing a nuisance near the operation or that would significantly injure or adversely affect federal lands. 2. Operations with no significant surface disturbance before 1/26/77 if - claim not patented, or - patent subject to surface use restrictions, where could not manage to preserve pristine beauty or would adversely affect or significantly injure ecological or cultural resources.

43 CFR 3809 (cont.)	36 CFR 9 (cont.)
	3. Operations with significant surface disturbance prior to 1/26/77, if - claim not patented, or - patent subject to surface use restrictions, where would significantly injure or adversely affect federal lands or cause a nuisance near the operation.
	4. Claims located on any date, have not been patented and operations would result in destruction of surface resources not required for development of the claim.
- Review of plan within 30 days with 60 day extension possible, unless preparation of EIS or consultation under Section 7 of Endangered Species Act or Section 106 of National Historic Preservation Act is necessary. No automatic approval for not meeting time frames.	- Review of plan within 60 days. Failure to act within time frame constitutes approval for period of 3 years.
- Formal approval necessary	- Same as above.
- Bonding discretionary	- Bonding required.
- Must reclaim to standards.	- Same as 3809.
- Noncompliance provisions.	- Noncompliance considered trespass against federal government.
- Appeals are made directly to the BLM State Director; appeals on State Director decisions are made directly to IBLA (43 CFR 4).	- Appeals are made directly to NPS Director; the Department of Interior may initiate a hearing before the Office of Hearings & Appeals.
Access Permits	Access Permits
- N/A	- All access to and from claim requires a permit. - All commercial vehicles must be registered with Park Superintendent, fee charged.

BLM Regulations 43 CFR 3802 (Wilderness Lands)	NPS Regulations 36 CFR 9 (NPS Lands)
PURPOSE: Prevent impairment of lands under wilderness review and prevent unnecessary or undue degradation.	PURPOSE: Prevent or minimize damage to the environment or other resource values and insure the pristine beauty of (park) units are preserved for the benefit of present and future generations.
REQUIREMENTS	REQUIREMENTS
Casual Use - N/A	Casual Use - N/A
Notice - N/A	Notice - N/A
Plans of Operation Required for any activity proposing: - construction of access routes and facilities - destruction of trees 2 or more inches in diameter - use of tracked vehicles or mechanized earth moving equipment - use of motorized vehicles over other than "open use areas and trails," unless covered by a temporary use permit. - construction or placing any mobile, portable or fixed structure on public land for more than 30 days - use of explosives - changes in a water course	Plans of Operation Required for all levels of activity.

43 CFR 3809 (cont.)	36 CFR 9 (cont.)
Contents of Plan and Approval Process - same as 3809	Contents of Plan and Approval Process - same as 3809, but also requires operator to describe nature and extent of known deposit to be mined.
- BLM usually prepares environmental analysis	- operator submits environmental analysis
- Same as 3809, but also reviewed for impairment of WSA's suitability for inclusion into Wilderness System.	- Same as 3809.
- Impairing activities can only be approved on claims located prior to passage of FLPMA and able to prove a discovery of a valuable mineral (valid existing rights), or for those who have grandfathered rights i.e., operations may proceed in some manner and degree.	- No plans approved for: 1. Claims patented without surface use restriction, causing a nuisance near the operation or that would significantly injure or adversely affect federal lands. 2. Operations with no significant surface disturbance before January 26, 1977, if - claim not patented, or - patent subject to surface use restrictions, where could not manage to preserve pristine beauty or would adversely affect or significantly injure ecological or cultural resources. 3. Operations with significant surface disturbance prior to January 26, 1977, if - claim not patented, or - patent subject to surface use restrictions, and would significantly injure or adversely affect federal lands or cause a nuisance near the operation. 4. Claims located on any date, have not been patented and operations would result in destruction of surface resources not required for development of the claim.

43 CFR 3809 (cont.)	36 CFR 9 (cont.)
- Same as 3809 time frames for review. Failure to act within time frames constitutes approval, but modifications can be requested by BLM at any time thereafter.	- Review of plan within 60 days. Failure to act within time frame constitutes approval for period of 3 years.
- Formal approval necessary.	- Same as above.
- Bonding discretionary but California BLM's policy is to require bond in all WSAs.	- Bonding required.
- Must reclaim to standards Same as 3809.	- Same as 3809.
- Noncompliance provisions, Same as 3809.	- Noncompliance considered trespass against federal government.
- Appeals are made directly to IBLA (43 CFR 4).	- Appeals made directly to NPS Director; the Department of Interior may initiate a hearing before the Office of Hearings and Appeals.
Access Permits	Access Permits
- N/A	- All access to and from claim requires a permit. - All commercial vehicles must be registered with Park Superintendent, fee charged.

PARKS

8. QUESTION. So, would you agree that subject to reasonable regulation to protect park values pursuant to the Mining in the Parks Act of 1976, mining can and does continue within units of the National Park System?

RESPONSE. The data obtained from the National Park Service show unequivocally that mining (production) is nonexistent in California's Death Valley National Monument because of laws and regulations, and exploration is almost nonexistent. Despite valuable resources in the Monument, companies and individuals are reluctant to conduct mining operations because they will be perceived as insensitive to park values.

SENATOR WALLOP-WATER

For each of the areas designated as units of the National Park System or as wilderness:

WATER

1. QUESTION. What are the purposes for which water rights are or may be necessary, if any?

RESPONSE. The purposes for which federal reserved water rights are or may be claimed depend upon the specific purposes set forth by Congress (or the Executive) for the reservations of land at issue. The broad general purposes which may be claimed under the various organic acts administered by the Department for non-Indian reservations are set forth in the Solicitor's Opinion of June 25, 1979 (attached). For the areas to be reserved in S. 7, the California Desert Protection Act, the purposes stated in that legislation would control.

Attachment

SENATOR WALLOP - WATER

2. QUESTION. Are those purposes primary or secondary based on the rationale of U.S. v. New Mexico?

RESPONSE. The Supreme Court in U.S. v. New Mexico limited reserved water rights to that which is needed to achieve the "primary purposes" of the reservation. The Supreme Court pointed out that the U.S. would have to acquire water rights for secondary purposes in the same manner as a private appropriator through the State court system. Therefore, it is possible for the federal government to claim water rights for both primary or secondary purposes.

SENATOR WALLOP - WATER

3. QUESTION. If Congress were to be silent on the issue of reserved water rights, what rights do you anticipate the federal government to assert?

RESPONSE. The Federal Government would assert reserved water rights for the primary purposes of lands designated as units of the National Park System. Appropriative water rights could be sought for secondary park purposes. Whether Congress intended reserved water rights for the primary purposes of wilderness designations is now being litigated. Sierra Club v Lyng, Civil No. 84-K-2 (D. Colorado). In any event, the Federal Government could seek appropriative water rights for wilderness.

SENATOR WALLOP-WATER .

4. QUESTION. What quantification would be asserted for each such right?

RESPONSE. It is difficult to speculate on the quantity of water which would be claimed in this hypothetical situation. It is a case-by-case hydrological determination.

SENATOR WALLOP - WATER.

5. QUESTION. What are the current water rights which could be affected by a federal reservation?

RESPONSE. If this question refers to new federal reservations such as contemplated in S. 7, then any perfected water rights senior to the date of that reservation would be unaffected. It may or may not affect junior water rights depending upon how much water has already been appropriated and whether the junior water rights are upstream or down. It would most likely adversely affect upstream junior water users particularly where all water has already been appropriated.

SENATOR WALLOP - WATER.

6. QUESTION. To what extent do any of the purposes included in your answer to 1 or 3 coincide with California's Public Trust Doctrine?

RESPONSE. It is difficult to specify every possible use of federal reserved water rights or determine how those rights may "coincide with California's Public Trust Doctrine." There may be some overlap of purposes, however.

SENATOR WALLOP - WATER

7. QUESTION. If a federal reserved water right is for a purpose contemplated by the Public Trust, would such a right, once perfected pursuant to State law, be deemed to be a superior right under State law notwithstanding its junior priority date with respect to other rights?

RESPONSE. The "superiority" or priority date of a federal reserved water right is the date of the formal creation of the reservation. We do not know whether a federal reserved right may obtain a more senior position because of the Public Trust Doctrine. This is a matter of California law, not federal law, and to our knowledge has not been litigated.

SENATOR WALLOP - WATER.

8. QUESTION. List all otherwise senior rights which could be affected if a court were to determine that the answer to 7. is affirmative.

RESPONSE. See answer to question 7. Moreover, we do not know the priority of all water right holders in the California Desert. Priority is determined through the state court system. The California State Water Resource Control Board would possibly have this answer.

SENATOR WALLOP - WATER.

9. QUESTION. Would consumptive uses for visitor purposes fall within California's Public Trust Doctrine?

RESPONSE. This is a matter of state law. We are unable to answer this question.

SENATOR WALLOP - WATER

10. QUESTION. Would the federal government be required to compensate any senior water right holders if their rights were affected or eliminated by a federal reserved water right which falls within the Public Trust?

RESPONSE. If the perfected water rights are senior to the federal reserved water right, then those senior water rights would be protected and have priority over any later created federal reserved water right. Thus, no compensation would be necessary. Your question suggests that state law through the application of the Public Trust Doctine might make federal reserved rights senior to earlier established rights. Assuming this scenario could actually occur, it is unlikely it would constitute a taking of property by the Federal government requiring compensation since the harm to the senior water rights would occur by operation of state law.

SENATOR WALLOP - WATER

11. QUESTION. To what extent would any assertion of a reserved right affect the ability to effect an upstream exchange?

RESPONSE. There are any number of variables which could affect the hypothetical outcome here. It could adversely affect upstream rights if an exchange caused them to lose their senior status.

SENATOR WALLOP - WATER.

12. QUESTION. To what extent would any assertion of a reserved right affect the ability of an upstream water right holder to alter his use to the extent otherwise permitted under State law absent the reserved right?

RESPONSE. See answer to question 11. It could adversely affect upstream rights if the altered use caused them to lose their senior status.

SENATOR WALLOP - MINING PATENTS

13. QUESTION. How many mining claims have proceeded to patent after they have been included in a wilderness area?

RESPONSE. BLMs records from 1978 to the present indicate that no patents have been processed in wilderness areas administered by the BLM, U.S. Forest Service, or National Park Service.

SENATOR WALLOP - WATER*

14. QUESTION. For each of the areas designated, what is the extent of both surface and groundwater?

RESPONSE. We are unable to provide you with any number representing the quantity of all the federal reserved rights since most of those rights have not yet been quantified.

SENATOR WALLOP - WATER.

15. QUESTION. To what extent is any of such water unappropriated?

RESPONSE. We are unable to answer this question at this time.

SENATOR WALLOP - WATER'

16. QUESTION. Would any of the contemplated federal reserved water right purposes be recognized as a superior right under State law to other current uses?

RESPONSE. In California, for example, in assessing beneficial uses the State Water Resources Control Board is to consider the use of water for recreation and for the enhancement of fish and wildlife resources. Cal. Water Code §1243 (West 1971). However, regardless of these California State statutes, the priority or "superiority" of the federal reserved water right is established by the date Congress reserved such land and the availability of unappropriated water at that time.

SENATOR WALLOP - WATER

17. QUESTION. How would the federal reserved rights be perfected?

RESPONSE. Federal reserved water rights are given a priority date as of the date the reservation was established. The quantity claimed for the federal reserved water right is based on the primary purposes of the reservation as set forth by Congress and the amount of unappropriated water available at the time of the reservation. Reserved water rights do not have to be "perfected" as do other water rights under the prior appropriation system.

MILITARY OVERFLIGHTS .

Issues may be raised by the DOD regarding impacts of the Desert Protection Act to their operations. One issue regards potential limitations on military aircraft overflights due to a reported DOD policy requiring a 3,000 feet AGL minimum elevation over parks and wilderness.

According to the National Park Service, there are presently four low-level training flight routes over Joshua Tree National Monument. Until a couple of years ago, these routes specified a flight elevation of 0 - 1,500 feet AGL. This has now been changed so that all have a minimum altitude of 1,500 feet AGL.

1. QUESTION. Does the DOD now have low-level training routes over Joshua Tree National Monument?

RESPONSE. Yes. DOD now has at least six low level training routes over Joshua Tree National Monument. This includes Air Force, Navy, Marine Corps from various bases in Southern California.

MILITARY OVERFLIGHTS

2. QUESTION. What is the minimum flight elevation for training routes over Joshua Tree National Monument?

RESPONSE. We understand that each route has a different flight elevation minimum established voluntarily by the military. The levels vary up to 1,500 feet as negotiated between the National Park Service and the Department of Defense.

MILITARY OVERFLIGHTS .

3. QUESTION. What is the minimum flight elevation over wilderness areas? Over National Parks?

RESPONSE. FAA has set an advisory minimum level over Death Valley National Monument of 3,000 feet for supersonic aircraft. There is no legal minimum specifically for wilderness areas located in the two National Monuments—Death Valley and Joshua Tree—located in the California Desert District.

Under the provisions of an Interagency Agreement between the National Park Service and the FAA, the FAA issues pilot advisory information requesting voluntary compliance to stay a minimum of 2000 feet above actual ground level over units of the National Park Service, including wilderness areas. A similar agreement, with identical overflight provisions, exists between BLM and the FAA over BLM designated wilderness areas.

APPENDIX II

Additional Material Submitted for the Record

[Committee Note.—Due to the voluminous nature of the submissions for the record not all statements and communications have been printed. Following is a sampling of the material received by the Subcommittee. Material not printed has been retained in Subcommittee files and will be reviewed when considering the legislation.]

BLM OBSERVATIONS ON WILDERNESS SOCIETY'S POINT/COUNTERPOINT RESPONSE

Recently, the Wilderness Society published a paper containing 33 statements the Society attributed to "groups in opposition" to Senate Bill 7 and included the Society's own response to each statement. Unfortunately, the document contributes to the increasing amount of misinformation being distributed on this issue.

To set the record straight, the BLM includes here the S.7 opponent's statement (as presented by the Wilderness Society); the Wilderness Society's response; and BLM's observation of the facts surrounding that particular issue. We hope this will clarify these important issues for both the public and members of Congress.

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1. Statement: "Senate Bill 7 eliminates the Desert Plan, which is a multiple-use, sustained-yield plan in the California Desert Conservation Area. It was created after a four-year study at a cost of $8 million and was put to use in 1980."

   Wilderness Society Response: False. S.7 does not eliminate the Desert Plan. The Desert Plan will continue to be the primary tool of the BLM in its management of 9 million acres of land in the California Desert.

BLM Observation: The bill would decimate the Desert Plan to the extent that it would be practically worthless. It would disregard the multiple values and uses in the desert in favor of a single value and a small segment of the user public. Environmentalists who understand the importance of the interactions of components in ecosystems have ignored the same point regarding the interactions necessary to successful land use planning. In an area as complex as the desert where activities and needs of counties, the military, the state, private land owners, and a wide variety of commercial enterprises must all be thoughtfully considered in a 25-million-acre space, it is imperative that balance be the watchword.

The California Desert Conservation Area Plan, because of the magnitude of the area it encompasses, its importance and complexity, is totally unique to modern land use planning in this country and probably the world. The Plan must be treated as an entirety -- all the pieces make up the whole. If one piece of the plan is jolted out of place by some unilateral action, such as S. 7, the whole plan is destroyed.

2. Statement: "Forty-six mineral commodities are produced in the desert, including 97% of America's rare earths, 15% of the talc, and 10% of the crude gypsum. Mining and exploration will be restricted in the proposed area."

   Wilderness Society Response: False. Only 13 commodities are mined in the California Desert in significant amounts. Virtually all of the known reserves of rare earths, talc, and gypsum are outside of the wilderness and park proposals of S.7. Further, all valid mineral rights associated with existing mining claims or leases within the proposal are legally protected under provisions of S.7.

BLM Observation: Although 13 minerals are being mined at the present time, in fact, about 65 minerals have either been mined in the past or have potential reserves in the desert capable of being mined in the foreseeable future. Twenty-four are considered strategic and three are critical to the nation. Recent mineral inventories by the State of California, Division of Mines and Geology, the U.S. Bureau of Mines and U.S. Geological Survey indicate that significant deposits of talc, gypsum, gold, limestone and other minerals do exist within S.7's proposed park and wilderness boundaries. In addition, Molycorp at Mountain Pass is currently conducting exploration activities which suggest its rare earth ore body extends both north and south into the proposed Mojave National Park.

Further, the major impact of S.7 on mineral production in the California Desert is that it will close a significant portion of the Desert to further exploration and development activities. The assumption seems to be that all reserves are known, that no new discoveries will be made or needed in the future, that no new technology will be developed, and that markets do not change. These assumptions, of course, are wrong. We have seen it with gold over the last 10 years and all minerals respond in a like manner. The rise in the price of gold in the late 1970's, the development of inexpensive heap-leaching technology since 1980, cheaper fuel prices and better financing allowed Gold Fields to discover and develop a major (150,000 oz. gold/year; Mesquite Project) mine for disseminated (microscopic) gold thought to be worthless for a hundred years. An additional 150,000 oz. per year will be produced from other new expansions of mines in the desert. It is this potential for new discoveries, expansion of existing mines, and development of known reserves not currently economical to develop that is at stake with S.7.

It is also misleading to say that provisions of S.7 will protect all valid existing rights associated with valid mining claims. The mere existence of mining claims does not accord a miner with "valid existing rights." The miner may have a promising prospect but unless the miner can prove an economic ore body today, the claim will be cancelled and consequently a future economic venture and perhaps a critically needed mineral development will be precluded. Several factors are involved which may significantly impede further development of those properties and impede the ability of claims to pass the valid existing rights test.

In addition, even if the test for valid existing rights can be met, there are additional burdens that will be placed on the operator. These include:

1) Added restrictions (as experienced in the establishment of Death Valley National Monument):
    a. Additional environmental constraints will be imposed (i.e., severe reclamation requirements requiring extremely high costs).
    b. Additional access constraints will be instituted, requiring higher costs for transportation of equipment and mined material.
    c. Limited expansion of existing mine or facilities will result in early shut-down and loss of financial gain and incentive.
    d. Limit on type and size of mining equipment will result in increased costs to the operator.

2) Appropriation of water sources will be impacted; most mining operations need water to process ore, provide drinkable water for employees, etc. Reduction in water sources will require costly expenditures to import water to the mine or processing site.

3) Limit or reject future exploration activities, resulting in early shut-down and loss of potential financial gain and incentive.

3. Statement: "It would close 10,000 to 15,000 miles of accessible roads."

Wilderness Society Response: False. S.7 closes only about 1,500 miles of identified primitive 'ways,' it does not close any roads. In fact, over 30,000 miles of roads and ways are left open to vehicle use.

BLM Observation: S.7 would close over 2,200 miles of designated vehicle routes not including many miles of available washes or ways designated as limited to "existing routes." The statement that 30,000 miles of roads and ways are left open under S.7 is misleading; these routes include county roads, or paved roads which are not suitable for all types of vehicle use or do not offer the user the necessary recreation opportunities. In addition, it includes roads with no legal public access. Therefore, the issue should be the quality of recreation experience rather than the "quantity" as portrayed by S.7. The vehicle-oriented recreationist is relegated to a situation with little choice of access and a restricted ability to travel throughout the desert.

4. Statement: "Grazing permits could be terminated and no new permits would be issued in the proposed area."

Wilderness Society Response: False. Grazing permits would be allowed to continue in all BLM-administered wilderness areas. There is no grazing in Joshua Tree National Monument or its additions. Existing grazing permits in the proposed Mojave National Park and Death Valley additions would be allowed to continue until their normal expiration, but would not be renewed.

BLM Observation: The first statement is says that permits "could" be terminated. There is no doubt that severe constraints on grazing operations must be implemented in wilderness areas, even though such use is technically allowed. The existing grazing permits/leases in the park expansion areas would in fact be terminated once they expire. This constitutes 55% of the grazing in the CDCA. S. 7 would cancel these permits out without providing other grazing lands.

5. Statement: "The United States would be required to depend to an even greater degree on foreign imports of strategic minerals for defense use."

Wilderness Society Response: False. Of the 14 minerals considered "strategic" by the U.S. Office of Technology Assessment, there are no economically recoverable deposits anywhere in the California Desert.

BLM Observation: The response is not true. While the OTA rates 14 minerals as strategic, other credible sources, such as the Bureau of Mines and U.S. Geological Survey, indicate there are at least 24 minerals that are considered "strategic" in the desert, and three more considered "critical." The key issue here is the mineral development potential of the desert. It is shortsighted to depend on deposits that are only economic today.

Among these strategic minerals are the rare earths, the key to a new type of superconductor materials that hold tremendous technological promise. The desert produces 97% of this country's rare earth materials. Superconductors are just one changing technology that may dramatically affect exploration for minerals in the Desert. It is impossible, therefore, to anticipate what mineral may be of particular value in the future. Desert geology strongly indicates substantial mineral deposits yet uncovered beneath the alluvium that covers 65 percent of the area. Because of this we can anticipate many new discoveries with the application of new exploration tools and more intensive surveys.

6. Statement: "Of the 18,316,699 acres in existing national parks (not including national monuments or state parks), 15,410,280 acres are either in wilderness or managed as wilderness. This means 'muscle power entry only -- no structures or campgrounds. Less than 3,000,000 acres would be left accessible to the public."

   Wilderness Society Response: False. Virtually all of the land within the National Park System is open to the public. California presently has six national parks with a total acreage of 2,091,196 acres. The combined California acreage for all NPS units, including monuments, national seashores and other designations, totals 5,119,465 acres. Of this total, 1,990,034 acres, or 39%, have been designated wilderness by the Congress.

BLM Observations: The response is extremely misleading in that it does not indicate the amount of NPS acreage in California which would be limited to foot, horse or non-mechanized travel. It is true that almost 40% of the 5 million acres managed by NPS in California is in "Designated Wilderness". However, according to National Park Service Officials, 99% of their acreage in California is closed to motor vehicle use, essentially making all these areas "de facto" wilderness areas.

7. Statement: "The young, the old, and the disabled have the right to enjoy the wonders of the land. S.7 will restrict their access to the proposed area."

   Wilderness Society Response: False. S.7 will not substantially restrict access to the desert by the young, old or disabled. Tens of thousands of miles of access roads will be available for everyone to continue to use. In fact, some of the proposed wilderness areas are bounded by roads or have roads that reach into them. The proposed national parks all contain roads which provide public access.

BLM Observation: The great majority of young people (under 5), older people (over 60) and physically handicapped must rely on mechanized equipment to assist them in their enjoyment of natural areas and the desert in general. Mechanization can range from vehicles to bicycles to wheel chairs. The Desert presents an even more formidable impediment for enjoyment of the area. Long distances, little water, and extreme temperatures are challenge enough for the hardy and make access without mechanized means virtually impossible for those Americans who require it. The vast acreages of desert wilderness proposed by S.7 is extreme and reasonable access for those who are not physically able is severely reduced. Unfortunately, the access routes remaining if S.7 is enacted will largely traverse only the periphery of the key natural areas in the desert. The top recreational pursuit, as determined by studies conducted by the President's Commission on Americans Outdoors, is sightseeing - primarily by drivers. This is also the number one activity in the California Desert. It will be directly impacted by S.7's restriction of access.

8. Statement: "More than 6% of California land has already been designated by Congress as permanent wilderness. This bill will increase that amount to 15% of all California land."

   Wilderness Society Response: Actually, less than 6 percent of California land (5,935,574 acres) has been designated wilderness. S.7 will increase this to just under 15 percent.

BLM Observation: Congress has designated slightly less than 6 percent of the state as wilderness, but the State of California has designated an additional 400,000 acres as wilderness in the desert. This means more than 6 percent of the state is currently under wilderness protection, either by the state or the federal government. Another 4 million acres, or 4 percent, of BLM and park lands are administratively supported for wilderness preservation by Congress, which would bring the total to about 10 percent statewide under current plans. S. 7 would increase these acreages by more than a third, to more than 15 percent. This is a high percentage, and these statistics do not take into consideration the other federal lands closed to public access in the desert - particularly the military reservations, amounting to more than 3 million acres.

9. Statement: "California has 101.5 million acres: 20 million - U.S. Forest Service, 18 million - Bureau of Land Management, 4.6 million - National Park Service, 1 million - Bureau of Reclamation, State Park System - State Beaches - State Historic Sites. Over half of California land is government-owned."

   Wilderness Society Response: True. However, S.7 will not increase the amount of land under government ownership. The parks will be created from land already under federal ownership. S.7 authorizes acquisition of private land on a willing-seller basis only, unless proposed development threatens park values or resources.

BLM **Observation:** Although the proposed parks and wilderness areas will be created from public lands, the acquisition of private lands is a key provision in the adequate management of the park and wilderness areas. The National Park Service in most instances attempts to purchase all inholdings in parks to prevent non-conforming uses. In this instance, there are approximately 400,000 acres of private lands in the park and wilderness proposals.

In addition, the State of California owns 267,000 acres of lands in the proposed park and wilderness areas. The state may exchange its holdings for federal lands on a value-for-value basis.

If S.7 passes, there is also the potential for a transfer of an additional 100,000 acres from federal ownership to balance exchanges. The total cost of acquiring private and state lands through acquisition or exchange is estimated at $67 million.

10. Statement: "Air Force maneuvers over the 'Wilderness Area' could be inhibited due to noise restrictions."

    Wilderness Society Response: Nothing in S.7 will directly affect military aircraft operations over wilderness lands. There is an FAA advisory in effect for general aviation flights over national park lands that requests voluntary compliance with a 2000' minimum elevation. The advisory is non-binding and does not affect military flights. In some areas of the country, the military voluntarily limits low-level overflights over wilderness areas although there is no legal requirement that they do so.

BLM **Observation:** In a recently passed bill concerning restrictions of flights over National Parks, Congress also called for a Forest Service study on the impacts of flights over wilderness areas under that agency's jurisdiction. This apparent trend toward restriction of low-level aircraft flights over National Parks and possibly wilderness areas has serious implications for the California Desert, with its military importance and heavy commercial traffic. Therefore, we question whether it would be possible for the military to voluntarily or otherwise limit low-level flights without severely limiting its ability to carry out its programs and training needs.

Further, the existing established corridors for military flights have been negotiated with BLM through the desert planning process and with the other agencies that manage the affected land. The wilderness areas and park lands that would be designated under S.7 would increase the sensitivity of the corridors to military maneuvers which, due to recent technological improvements, includes flights as low as 100 feet. It is likely that enactment of S.7 would, at a minimum, lead to a review and modification of military training corridors. This is likely to adversely affect the military program because suitable areas for such flights are already saturated.

11. Statement: "Off-pavement bicycling, which is 18% of the U.S. bicycle market, would be eliminated."

    Wilderness Society Response: False. Off-pavement bicycling enthusiasts will have more than 15,000 miles of dirt ways to explore. More than 4 million acres of land will also be open to them under BLM guidelines for such use.

BLM Observation: First, it is important to keep in mind that the 4 million acres of multiple use BLM lands that would remain if S. 7 is enacted are intended in the bill to be used as "trading stock" for wilderness and park inholdings and therefore would be subject to reduction in size. Second, these lands are not necessarily suitable or desirable for use by all-terrain bicycles, which are growing rapidly in popularity and provide an excellent means of traveling desert terrain. These users generally have the same needs for primitive recreation experience as do hikers and therefore seek those areas which are more challenging or remote.

12. Statement: "Current volunteer programs coordinated by the Bureau of Land Management would be eliminated."

    Wilderness Society Response: False. The legislation will not eliminate BLM volunteer programs. In fact, federal agencies are relying increasingly on volunteer programs in parks and wilderness.

BLM **Observation:** Although volunteer programs would not be totally eliminated by S.7, many of BLM's volunteer efforts in the Desert involve constructing trails, erecting signs, building interpretive displays, cleaning up areas with mechanized vehicles, constructing wildlife improvements, and other activities involving mechanized equipment. None of these activities would be allowed by law in wilderness areas; whether they would continue in the National Parks is not known.

13. Statement: "Multiple-use of land would be eliminated."

    Wilderness Society Response: False. Park and wilderness designation allows for a wide variety of uses recognized under the Multiple Use and Sustained Yield Act of 1960, the Wilderness Act of 1964, and the National Park Service Organic Act of 1916. Uses such as recreation, wildlife, range, watershed, education, scenic beauty, and scientific research will be allowed in the areas protected under S.7. Additionally, more than 4 million acres of BLM land will remain open for development activities.

BLM **Observation:** Wilderness and park designations effectively eliminate multiple uses. Uses such as grazing will be phased out, new mineral development will be prohibited or severely restricted, and park status would ban sport hunting. Uses associated with motorized vehicles, e.g., rockhounding, sightseeing, and wildlife improvement projects, will be eliminated in WSAs and curtailed in park areas. In essence, many presently permitted uses will be eliminated for more than 7.5 million acres of new parks and wilderness proposed by S. 7 in the California Desert.

14. Statement: "Mineral mining would be restricted. Americans consume 40,000 pounds of minerals every year per person. Costs would increase as availability decreases. S.7 would also restrict research (scientific, industrial, and medical) requiring rare minerals found in the proposed area."

Wilderness Society Response: False. Total production of boron, rare earths, silver, and tungsten, the four commodities produced in the greatest value from the CDCA, amount to a national per capita consumption of less than 5 pounds per person annually. S.7 will not have any measurable impact on the national availability of minerals. All valid existing rights are protected. Research will not be inhibited since the availability of rare minerals is not restricted.

BLM Observation: Although boron and rare earths are major contributors to the value of minerals from the CDCA, other commodities such as industrial minerals and gold are also important. In addition, it is misleading to indicate that provisions of S.7 will protect all valid existing rights associated with valid mining claims. There are several factors involved, including additional restrictions on how mining may be conducted on valid mining claims, which may significantly impede future development of those properties or impede the ability of claims to sustain discovery due to higher costs of mining, as explained earlier in item 2. The mere presence of a mining claim does not accord a miner with valid existing rights.

Finally, research will definitely be inhibited. Research is part of exploration; mineral exploration will be stopped due to wilderness designations and park expansion.

15. Statement: "Rockhounding in the proposed area would be eliminated."

Wilderness Society Response: False. Rockhounding will not be prohibited in BLM wilderness areas. Rockhounding opportunities will no longer be available in those areas added to the National Park System.

BLM Observation: Rockhounding is a very popular hobby in California, especially among senior citizens. Although it will not be prohibited in wilderness areas, access restrictions will significantly reduce opportunities for enjoyment by elderly enthusiasts. Most rockhounders drive to collecting sites in their camper or mobile home, set up camp and then walk to sites less than a mile, usually only a few hundred yards, away. Samples are collected and carried back to the vehicles. The farther the hike to a site, the smaller the sample that can be carried back to the vehicle and the more trips that are required to collect enough samples. All this could lead to a significant reduction in use of a site and of the pleasure these people gain from this activity.

Some of the higher interest rockhounding areas in the Desert are located in the proposed Mojave National Park. BLM inventory maps identify about 40 separate site areas that would be closed by S.7. More than 3 million acres would be eliminated from rockhounding through park designations.

16. Statement: "Citizen Advisory Group and citizen involvement currently utilized by BLM would be eliminated."

    Wilderness Society Response: False. The legislation does not eliminate the Desert Advisory Committee. The Committee will continue to work with the BLM in conjunction with administering the Desert Plan.

BLM Observations: While the legislation does not eliminate the Desert Advisory Council after the bill's passage, the Council and the general public have been precluded from the development of S.7, abrogating the Desert planning process, the Bureau's Federal Land Management and Policy Act, and the National Environmental Policy Act. S.7 represents a breach of faith with those who, less than ten years ago, worked out a reasonable and balanced solution for Desert conservation and use.

17. Statement: "The primary utilization of the proposed area is scenic touring. Motorized vehicles are needed for this use, as are roads. This No. 1 use will be eliminated."

    Wilderness Society Response: False. As mentioned above, 30,000 miles of paved roads, maintained dirt roads, and unimproved dirt ways remain open for vehicle touring.

BLM Observation: Referring to the 30,000 miles of roads is a misleading statistic, because it not only includes interstate highways and county roads, but also many other miles of road without legal access for public use. A critical factor in the number of routes open is not necessarily the total miles of roads, etc., but the quality of the access, especially for recreation opportunities. Closing a 2, 3, or 4-mile segment may not appear to be critical but it may close 10,000 acres of public lands to use while requiring extensive detours or in fact closing the remainder of the route. The issue is not the mileage of routes available, it's the recreation value or opportunity lost because popular areas may no longer be accessible.

18. Statement: "None of our nation's 7 million recreational vehicles would be allowed to enter the proposed area."

    Wilderness Society Response: False. No maintained roads will be closed under the bill. All such roads currently available to recreational vehicles will remain open. 15,000 miles of paved and improved dirt roads and another 15,000 miles of dirt ways will remain open.

BLM Observation: Over 90% of recreation in the CDCA is vehicle related and S.7 would close wilderness and park areas to OHV use, thereby eliminating that recreation opportunity. In fact, 4.3 million acres of BLM and 4.5 million acres of NPS lands would become wilderness under S.7 and access would be limited to foot or horseback. Camping in recreational vehicles, a popular pastime, would be eliminated in these areas. In the parks, such camping would be allowed, but only in designated areas in organized settings. To those who don't like such institutional camping, only the less scenic, less desirable areas would be available.

19. Statement: "Only part of the area has not met any set qualifications to mandate a 'Wilderness' designation."

    Wilderness Society Response: True. A small portion of the California Desert does not possess wilderness qualities. None of these areas are included in the California Desert Protection Act.

BLM Observation: Actually, about 45% of the BLM land in the Desert has minimum wilderness characteristics. S. 7 includes all this lands, plus other ineligible lands lacking even minimal wilderness characteristics required by law. Following the process established in Section 603 of Federal Land Policy and Management Act (FLPMA), BLM identified approximately 5.6 million acres in the approximately 12.1 million acres of BLM lands within the CDCA as wilderness study areas (WSAs). In the plan, wilderness values were compared to other values. The recommendations reached were that most of these lands (3.7 million acres) should remain protected for open space, but were not suitable to become part of the National Wilderness Preservation System.

20. Statement: "Land sailing in the proposed area would be eliminated."

    Wilderness Society Response: Land sailing in the California Desert will not be eliminated. Popular land sailing sites currently used such as Ivanpah Lake are unaffected by the legislation.

BLM Observation: S.7 would affect a small portion of Panamint Dry Lake because of the Death Valley Park Expansion and portions of S. Panamint Dry Lake (separate area) would be affected by wilderness designation.

21. Statement: "Major impact on tourist dollars, which is a substantial part of the area's economy."

    Wilderness Society Response: True. Creating three new national parks will have a positive impact on regional tourism and the area's economy.

BLM Observation: No studies have yet been done to substantiate the statement that S. 7 will have a "positive impact" on the area's economy. In fact, this bill will adversely affect a large portion of the desert economy. For example, mining and livestock grazing would be directly affected, and elimination of hunting in the park would adversely affect the dollars that flow into desert communities from this popular activity.

It is also important to note the almost unanimous opposition from the communities and counties most affected by S. 7 to this proposal. The bill has been officially opposed by the National Association of Counties, the Southern California Regional Association of Counties, the Regional Council of Rural Counties, and 23 local boards of supervisors in California. This opposition certainly indicates a strong belief that they would not benefit economically from passage of S. 7. Secondly, economic gain because of National Park status is the poorest reason for designating lands as monuments or parks. The purpose for park status should be based on extraordinary values or public need which has not been demonstrated by this legislation. This park solution tends to dilute the purpose for parks/monument and hinder their management.

22. Statement: "All off-road vehicles, 4-wheel drive, ATVs, motorcycles, dune buggies, as well as standard vehicles, would be prohibited. "Muscle power entry only"."

    Wilderness Society Response: False. More than 15,000 miles of dirt ways will remain open, and an area the size of Yosemite National Park will remain open for the primary use of ORV enthusiasts.

BLM Observation: As explained in response number 3, the areas directly affected by S.7's wilderness and park designations will be closed to off-highway use and the dirt ways within these areas will not be of use.

23. Statement: "Motorboats on portions of the Colorado River would be prohibited."

    Wilderness Society Response: S.7 will not affect navigation on the main channel of the Colorado River. Sensitive reed beds and riverside habitat in side bays in two National Wildlife Refuges will be protected.

BLM Observation: The statement and response are basically saying the same thing. The issue, however, is that by restricting use to smaller navigable portions of the river, users will be affected by eliminating the recreational presence of primitive and semi-primitive boating opportunities. The result will be an increased potential for conflicts in the remaining use area.

24. Statement: "Utility corridors would become inaccessible for future expansion."

    Wilderness Society Response: False. Utilization, operation, and capacity expansion within existing utility corridors is unaffected by the legislation.

BLM Observation: Actually four transmission corridors would not be useable as designated in the Desert Plan and six more will be significantly constricted by S.7. Utility corridors, by planning definition, are areas where new facilities can be located. Several of the existing designated corridors are close to capacity because of WSA boundaries. New corridors that have been identified as "contingent" will be eliminated by S.7, for example, in the East Mojave National Scenic Area. As a result, S.7 will certainly have adverse impacts on the importation of electric power to Southern California.

25. Statement: "Area would become accessible for only a select few."

    Wilderness Society Response: False. National Park Service administration of desert land will provide better facilities and access to the desert for the average American, and will provide interpretation of the desert resource to enhance visitor appreciation of the wonders it contains.

BLM Observation: The response ignores the fact that the majority of lands involved in the bill are proposed for wilderness, including 4.3 million acres BLM and 4.5 million acres NPS. Access to those lands would be limited to foot, horseback, or other non-mechanized means of travel. Since most desert recreation involves the use of motorized vehicles, the bill would severely restrict recreational access in the desert. Other types of access would also be restricted or eliminated, including access for mining, grazing, utility and communication facilities, and more.

Further, under existing and anticipated budget constraints of the federal government, NPS would be in no better position to develop major new facilities and programs in the desert than has BLM. In its own study, NPS projected annual operating plus initial development costs to exceed $4.7 million for the park additions. That figure does not include the substantial costs for contesting mining claims, acquiring lands, and meeting other administrative obligations of the bill.

26. Statement: "According to Secretary of the Interior Donald Hodel, crowding in our national parks is not aided by adding more land. For example, in Yellowstone National Park only 3% of land in the park is open to the public. In Yosemite National Park, the public uses Yosemite Valley."

 Wilderness Society Response: False. The Director of the National Park Service has the opposite view. All of Yellowstone is open to the public except for some backcountry areas that are periodically closed to protect the threatened grizzly bear from people or vice-versa. All of Yosemite is open to the public. Outside Yosemite Valley are the popular Wawona Big Trees, Glacier Point, and Tuolumne Meadows.

BLM Observation: There is no question that the national parks are open to public use. The real issue for the desert is access, and the need to provide for other uses, such as mineral exploration and development.

Park or wilderness designation under S.7 would severely limit or preclude access and use for many purposes, and as a result, would concentrate use on a small fraction of the remaining area. This problem does not occur under BLM management as use is currently distributed over large areas.

27. Statement: "One-third of America, or 755.3 million acres, is controlled by the federal government. 64% of this land is excluded from mineral exploration, timber harvest and vehicular access. S.7 would add to this percentage."

 Wilderness Society Response: Actually, only 632 million acres are contained within our national forests, national parks, national wildlife refuges and BLM lands. Of this total, only 89 million acres, or 14 percent, have been designated wilderness by the Congress and are therefore "excluded from mineral exploration, timber harvest and vehicular access." Another 4% of the total is administratively managed as wilderness by the National Park Service. In addition, timbering and new mineral exploration is not permitted on National Park System lands. Under the provisions of S.7, valid existing mining operations would not be shut down. There is no active timber harvesting in the lands to be protected under S.7.

BLM Observation: The 632 million acre figure does not include military lands or Indian reservations which are also controlled by the federal government. While 89 million acres have to date been designated wilderness, it is important to note that wilderness is not the only designation which excludes mineral exploration, timber harvest and/or vehicular access. National Wildlife Refuges, for example, are, for the most part, withdrawn from these activities.

While S.7 does recognize valid existing mineral rights, it does not provide for future mineral exploration and development. This does add significantly to the percentage of federal land excluded from mineral exploration.

28. Statement: "Open public desert land would be reduced from 10 million acres to less than 4 million acres. This would adversely impact remaining public land."

    Wilderness Society Response: False. All valid mineral rights are recognized within the protected areas, hunting will continue in BLM wilderness areas, and tens of thousands of roads will remain open. Vast areas now open for ORV use will remain open. There is no evidence that the thesis presented above is a valid one.

BLM Observation: As users of lands identified in S.7 are displaced (see #13), they will be forced to use other public lands which remain open. Such a concentration of use is not considered beneficial to many of these areas because of specific fragile resources. This concentration of use will damage other resource values originally protected in the Desert Plan through dispersed use, considering the region as a whole. S.7 ignores the premise of these original considerations.

29. Statement: "S.7 would lock away our children's legacy."

    Wilderness Society Response: False. Exactly the opposite is true. The explicit purpose of our Park and Wilderness system is to preserve part of our nations heritage and legacy for future generations. Without protection, the unparalleled magnificence that is the California Desert would be destroyed, truly sealing off a valuable portion of the legacy of future generations.

BLM Observation: BLM has selected the best areas to preserve as wilderness for present and future generations, approximately 1.9 million acres in the CDCA. We have also provided necessary protection for many cultural, wildlife, plant, scenic, and other resources through ACEC and special area designations. The Desert Tortoise Preserve, Coachella Valley Fringe Toed Lizard Preserve, and Desert Lily sanctuary are but a few examples. However, we have not ignored important needs for mineral exploration and development, utility corridors, many types of recreation, military uses, and other uses of the public lands not compatible with wilderness. These, too, are our children's legacy. Finally, good examples of desert ecosystems and preservation values already are set-aside for future generations' use, including Death Valley National Monument (Mojave Desert), Joshua Tree National Monument (Colorado and Mojave Deserts), and Anza Borrego State Park (Sonoran Desert).

30. Statement: "$40 million gold mining operation would be inhibited. South Africa currently produces 50% of the world's gold. If their mines closed down, the USSR would than have 50% of the total gold production. However, if South Africa fell to the Soviets, Moscow would control 75% of the world's gold market."

    Wilderness Society Response: False. All valid existing mineral rights are protected in the BLM and national park lands under the provisions of S.7. If the unidentified mine referenced above is within the land covered by S.7, and is a valid claim, then it would not be affected by the legislation. No comment on the remainder of the above statement.

BLM Observation: It is misleading to state that provisions of S.7 will protect valid existing rights associated with valid mining claims. Several factors are involved which may significantly impede further development of these properties or impede the ability of claims to pass the validity test due to higher costs of mining. These factors are described in item 2 of this document.

31. Statement: "26% of the mining claims in San Bernardino County are located in the proposed Wilderness area."

    Wilderness Society Response: All valid existing mineral rights are protected under provisions of S.7.

BLM Observation: Again, it is misleading to answer all mineral issues with the statement that all valid existing rights will be protected as explained in item 30. In addition, all these mining claims will have to undergo validity exams which will cost substantial additional monies that were not anticipated in S.7. An estimate of costs to conduct a mineral examination on those areas in S.7 is calculated to be approximately $10,000 per claim. Approximately 43,000 claims are affected.

32. Statement: "S.7 would preclude future expansion of desert military bases."

    Wilderness Society Response: S.7 does not expressly preclude future expansion of desert military bases. It simply designates which areas will be protected as park or wilderness. S.7 does not affect existing procedures for military withdrawals.

BLM Observation: Some of the wilderness areas and parks proposed in S.7 include areas currently are under consideration for operational expansion of military bases. Although such expansion is important militarily, it is, under the Desert Plan, carefully coordinated and negotiated with affected land owners. It is unlikely that such expansion would occur into areas that were designated wilderness or park lands.

33. Statement: "No distinction is made between cross-country, off-road vehicles and back-road 4-wheel drive vehicles."

Wilderness Society Response: Enough paved roads, dirt roads and unmaintained dirt ways remain available for 4-wheel drive touring to reach around the earth more than 1½ times. These roads and ways often form the boundary of wilderness areas; some actually penetrate deep into remote areas along travel corridors set aside for this purpose. For cross-country ORV enthusiasts, an area larger than the State of Rhode Island is set aside primarily for their use.

BLM Observation: The important issue is not how many miles of roads are available for 4-wheel drive, touring, etc., but the quality of the ways still available or suitable for use. Not all remaining roads will meet the recreation opportunity expectations for touring. Therefore, the closures of 4, 3, or even 2 mile segments may be more critical than leaving 30 miles of road open somewhere else within the remaining 4 million acres.

BLM RESPONSE TO BRIEFING BOOK ON S.7 AND H.R.371 PREPARED BY SIERRA CLUB, THE WILDERNESS SOCIETY AND NATIONAL PARKS AND CONSERVATION ASSOCIATION

The Sierra Club, Wilderness Society and National Parks and Conservation Association published a 70-page briefing book on the California Desert Protection Act (S.7 and H.R.371) in July 1987 that unfortunately contains a great deal of misinformation that could mislead the public and the Congress on management of the California Desert.

As the agency entrusted by Congress to manage this area, the Department of Interior's Bureau of Land Management (BLM) has objectively presented the facts surrounding these issues to set the record straight so that the public and the Congress can make informed decisions.

The following 146 allegations answered here (beginning on page 6) were excerpted from the briefing book in sequential order and deemed most in need of clarification. For those with access to the original briefing book, the page heading and number are cited in parentheses.

However, some readers may not have the time to review fully this entire document. To assist these readers, an index on the content of the 146 allegations is provided at the end of this document. Additionally, immediately following are 11 key issues that have been selected to provide an overview of this document's content.

OVERVIEW

(The following are 11 highlights of issues and answers covered later in this document. They are intended to serve as highlights for those without the time to read all 146 allegations and BLM responses. They are repeated in order in the complete document for more intensive reading.)

ALLEGATION: Only wilderness designations can provide lasting protection for the region's diverse ecosystems. (BLM Wilderness. p. 32)

BLM RESPONSE: The statement is false. BLM has been protecting sensitive areas through various means for many years, even before the Federal Land Policy and Management Act and the Desert Plan. Furthermore, BLM has recommended wilderness designation for 44 areas in the California Desert Conservation Area (CDCA) - approximately 1.9 million acres - as well as nine areas totaling 104,000 acres outside the CDCA, but within the S.7 boundaries. Other areas have been designated by BLM as Areas of Critical Environmental Concern (ACECs), or given other special designations. Sensitive and significant values as recognized in the Desert Plan were placed in the limited use class. These special designations total approximately 8 million acres in all. In addition, BLM has acted to protect and preserve the region's ecological integrity and its native flora and fauna by: designating routes of travel and limiting or closing others; regulating mining and other mineral activities through required plans of operations, performance bonds, reclamation, and special stipulations to protect resource values; preparing environmental studies on projects; patrolling and taking law enforcement action when necessary (on the average 1,000 citations per year issued).

ALLEGATION: The briefing book states that a common "myth" is that proposed wilderness areas contain many miles of roads used by thousands who will lose access. It then states as a "fact" that the proposed wilderness areas are "roadless" as required by Federal law. There may be some primitive trails.

BLM RESPONSE: Actually, the myth is true. The confusion lies in the definition of what constitutes a road and how important roads are for access to desert areas. For wilderness inventory purposes, the term "roadless" is officially defined as "the absence of roads which have been improved and maintained by mechanical means to insure regular and continuous use." Although the areas proposed for wilderness designation in S.7 contain no improved or mechanically maintained roads, they do contain many "ways" which are maintained solely by the passage of vehicles. These ways (which are the "miles and miles of roads" referred to in the briefing book) currently provide essential access for recreational and other users of these areas--access that is permitted under BLM's Interim Management Policy but would not be permitted under wilderness designation. Such access is especially important in desert areas where severe environmental conditions often make nonvehicular means of access impractical and even dangerous.

ALLEGATION: Activities in the desert have been abusive. OHV (off-highway vehicle) use has stripped more than a million acres in the desert. (Desert Protection Act, p. 7)

BLM RESPONSE: This allegation lacks any supporting scientific data whatsoever. In fact, a respected study done by Dr. Peter Rowlands and Dr. John Adams in 1980 for the Desert Plan documented only 60,000 acres heavily impacted by OHV use. Dr. Rowlands, a botanist now with the Death Valley National Park and Dr. Adams, a soil scientist, intensively studied aerial photos and estimated that at most, one-half percent of the 12 million acres in the CDCA had been impacted by OHVs. They added that this was a "worst case" analysis and that the figure was probably even lower.

The total designated "open" area acreage is slightly more than 500,000 acres of the 12.1 million acres of public lands in the desert. A relatively small percentage of many of the open areas are actually used. While some resource impacts do occur in these areas, the environmental assessment and planning process ensures these areas have properly been set aside for this type of purpose.

Finally, the Bureau has nearly completed its route designation process. This accomplishment is another milestone of a 20-year effort by BLM to limit proliferation of routes and enhance the agency's ability to reduce resource damage.

ALLEGATION: S.7 is permanent protection; plan has left the areas vulnerable to damage. (Desert Plan Not Enough, p. 44)

BLM RESPONSE: While the proposed legislation would shift management responsibilities for portions of the California Desert from BLM to National Park Service, there would be no significant change in the protection provided for the sensitive and unique resource values recognized. The California Desert Plan identified these areas as having special characteristics ranging from sensitive resources to unique assemblages of many resource values. As a result of these special characteristics, the areas are managed under the Class C (controlled) and Class L (limited) multiple use classes and the guidelines for the specific elements established in the plan. The Class C areas are "preliminarily recommended" as suitable for wilderness designation by Congress and are currently managed under the BLM's Interim Management Policy Guidelines for wilderness to ensure protection of the sensitive resource values. The Class L areas are managed to provide for low intensity, carefully controlled multiple use of resources, while ensuring that sensitive, natural, scenic, ecological, and cultural resource values are not significantly diminished.

Furthermore, by providing "permanent park protection" for these areas, other special resource values that support wildlife, livestock grazing, mining, and recreation opportunities would be lost. No further protection of the sensitive resource values would be provided by the proposed park designations, while opportunities presented by other special resources would be diminished or eliminated. The California Desert Plan provides guidelines for the BLM to manage and protect all special resources within the California Desert.

ALLEGATION: Original plan was heavily biased toward consumptive interests. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: The plan certainly cannot be considered biased toward resource consumptive interests. More than half the land base (65.8%) was designated in 1980 as "to be recommended for wilderness" or as limited use to protect sensitive, scenic, natural, ecological, and cultural values. These two land classes focus management attention to protect sensitive resource values. After six years of planning amendments, fully 66.1% of the land base is within these two limiting/protective land use classes. This led to a court suit from consumptive interests shortly after the Plan was completed. The fact that the plan was endorsed by both Republican and Democratic Administrations further indicates that the decisions reflect a balanced public interest.

ALLEGATION: Plan has been weakened further by amendments. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: The amount of protection for sensitive values has actually gone up during the annual amendment process. In addition several new ACECs have been established along with a major change to establish the Coachella Valley Fringe-toed Lizard Preserve. The amendment process has actually strengthened the plan by resolving, on a site specific basis, conflicts among resource users and better defining resources and boundaries for permissible use within the framework of Federal Land Policy Management Act. All amendments which are considered have received full public review and advice through the California Desert Advisory Council. This has created a public trust and understanding that consequently has enhanced enforcement efforts.

One final observation on amendments. It is critical to keep in mind the advice of Dr. Harvey Perloff, dean of the School of Architecture and Urban Planning, UCLA, and a member of the original California Desert Advisory Board: "a plan must be flexible, it must be capable of accepting change. Inflexible plans become obsolete in a relatively short time and usually wind up on the shelf."

ALLEGATION: Secretary of Interior is not protecting wilderness as required by law; many new and expanded land uses being allowed, causing damage. (Implementation Flawed, p. 47)

BLM RESPONSE: The Wilderness Interim Management Policy (IMP) permits actions which do not impair wilderness values, provided that any impacts are reclaimed to the point of being substantially unnoticeable by the time the Secretary transmits his recommendations to the President. BLM has authorized 555 actions since 1980 in the California Desert. All these actions received full environmental analysis before being approved. To ensure that the public is kept informed of any prospective actions, the Secretary has directed BLM to notify interested parties prior to authorizing any IMP action, and when practicable, provide 30 days for public comment. BLM also maintains a rigorous IMP monitoring and surveillance program, which includes inspecting each WSA at least monthly and more frequently during high use seasons, and maintaining detailed logs of IMP monitoring/surveillance. BLM has 22 uniformed Desert Rangers on the ground, as well as other BLM resource specialists and other staff who assist in WSA monitoring/surveillance.

When unauthorized activities occur (68 have been reported since 1980--most are minor), BLM acts promptly to halt the unauthorized action and repair any damage. Given the fact that pressures on the desert are increasing, and that we are responsible for 5.6 million acres of WSA lands distributed over an area one-quarter the size of California, the low number of IMP violations is evidence of BLM's sound management and the public's respect for these areas.

ALLEGATION: S. 7 will not significantly impact minerals industry. Boundaries minimize conflicts. (Mining and Minerals, p. 41)

BLM RESPONSE: This is a totally misleading statement. Although S.7 boundaries exclude numerous existing mines, little or no consideration is given to future mineral development potential of the desert. The bill fails to provide for future expansion of existing mines, as ore bodies are depleted, and fails to consider future changes in market and other economic conditions which can change a mineral resource into a mineral reserve virtually overnight.

Numerous mineral resource deposits have been identified within the boundaries of S.7 by the U.S. Geological Survey, the U.S. Bureau of Mines, BLM and in recent studies by the State of California. Exploration interest is on an increase today in the CDCA, as indicated by submission of over 1,200 mining plans to BLM since 1980. Many of the mineral deposits of potential economic significance are in WSAs, but because of the nonimpairment restrictions imposed by BLM's Wilderness IMP, many major exploration and development plans have been rejected since 1980.

ALLEGATION: S. 7 would not lock up mineral resources. All valid rights are legally protected and current operators with economic deposits will have continued rights to access and production (Desert Protection Act, p. 8)

BLM RESPONSE: S. 7 will lock up substantial mineral resources. The California Desert is one of the most highly mineralized regions of the world, including 24 minerals considered to be strategic to this country and 3 rated as critical. Known mineral values exceed $300 billion. What may be even more important are those deposits that are unknown or remain undeveloped today because of economic or technological reasons. With changing technology in the exploration for mineral resources and ways in which minerals are used, it is impossible to anticipate what mineral may be of particular value in the future. It is predictable, however, that the California Desert's mineral deposits, discovered or still undiscovered, will contribute to this changing technology. As an example, roughly 65% of the Desert is covered by alluvium and as a consequence potentially conceals about two-thirds of the mineral deposits that are likely to occur in the desert. Because of this, we can anticipate that many new discoveries are likely in the Desert area with the application of new exploration tools and more intensive surveys.

S.7 would close more than 8 million acres to new discoveries. The assertion that S.7 will protect valid existing rights of mining claimants is misleading because those rights must be perfected on the date of passage of the bill. What this means is that a mining claimant who may have located a mineral deposit, but who has not had a chance to "prove up" on it, cannot meet the "valid existing right" test because he/she has not proven that a "valuable mine" is a reality. The mere existence of a mining claim does not constitute a "valid existing right"--so for all practical purposes, S.7 will erase any hope for new discoveries on mining claims. A very important factor is that all claims under S.7 must be subject to the valid existing right test--a project that could cost the taxpayer some $400,000,000. There are about 43,000 claims under S.7 and BLM calculates that the cost to challenge one claim is about $10,000. The mining claimant may, and sometimes does, appeal his/her case all the way to the Supreme Court. Of course, any appeals by the claimant will increase this estimated cost to challenge a claim. Finally, S.7 also includes provisions to purchase valid or patented claims within the new National Parks, which could amount to tens of millions of dollars of additional costs to the Federal Treasury.

ALLEGATION: The briefing book states that a common "myth" is that S. 7 will stop all mining in the Desert. It states that the "fact" is that the boundaries were drawn to exclude all currently producing mines. All valid existing rights would be legally protected.

BLM RESPONSE: S. 7 will have a substantial impact on mineral production in the Desert, a minerally rich area with 65 mineral commodities known to exist. Even expansion of existing mines could be significantly reduced under S.7. Cheaper fuel prices and better financing allowed Gold Fields to discover and develop a major (150,000 oz. gold/year; Mesquite Project) mine for disseminated (microscopic) gold on land thought to be worthless for a hundred years. It is the potential for new discoveries, expansion of existing mines, and development of known reserves not currently economical to develop that is at stake with S.7

This statement is confirmed by the late Dr. Vincent McKelvey, former Director of the U.S. Geological Survey. He said, "Appraising mineral resources is an emerging science. A final, once and for all "inventory" of any mineral resource is nonsense. Mineral reserves and resources are dynamic quantities and must constantly be appraised. As known deposits are exhausted, unknown deposits are discovered, new extractive technologies and new uses are developed and new knowledge indicates new areas and new environments are favorable for mineral exploration."

For example, Imperial Valley, which includes seven known geothermal resource areas, is second only to the Geysers geothermal area in Northern California in geothermal energy potential in the United States. Also of critical importance is the Coso Known Geothermal Resource Area near China Lake. It is assumed to be the third most significant geothermal field in the western United States. There is high potential for additional geothermal resources in other parts of the Desert.

The discovery of a new type of superconductor materials (made from rare-earths) capable of transmitting electric current without the resistance that ordinarily wastes energy in the form of heat has opened the door to a host of futuristic applications. The Desert produces 97% of this country's rare earths. from Mountain Pass. There is excellent potential for rare earths to occur in other parts of the Desert.

ALLEGATION: The briefing book states that a common "myth" is that S. 7 will be bad for wildlife and will deprive hunters. It states that the "fact" is that availability of suitable habitat unmolested by vehicles and humans are most important factor to wildlife; bighorn sheep in particular need large areas of wilderness to survive; most wildlife programs can continue in park and wilderness units; hunting will be allowed on wilderness lands and most hunters welcome additional protection; parks will be closed to hunting.

BLM RESPONSE: Bighorn sheep require large areas of suitable habitat relatively free from disturbance. They do not require wilderness. Since 1980, desert bighorn populations have increased from 3,000 to 4,200 (40%) without wilderness designation. The primary reasons for this are the removal of 20,000 burros and the construction of 45 water developments. Opportunities to continue water development would be reduced in wilderness areas and eliminated in new park units. Maintenance would be reduced or eliminated cn 21 of these existing water developments and no new waters would be developed in the parks.

Included in the proposed park additions which would be closed to hunting, is one of two bighorn sheep herds for which hunting was authorized in 1987 for the first time in over 100 years. This is one of the healthiest, most productive herds in the state and is used as the main source of animals to reestablish historic herds in other areas. A single bighorn permit was auctioned for $70,000 in 1987. This money will be used to further enhance bighorn populations. Elimination of limited hunting and capture operations on this herd would reduce the potential for increasing bighorn populations throughout the desert.

The eastern Mojave also provides some of the best deer and upland game hunting available for a large area. Park establishment would close this area to hunting while wilderness designation in other areas would severely limit hunter access to hunting areas.

ALLEGATIONS AND RESPONSES
(complete text)

1. ALLEGATION: Activities in the desert have been abusive. OHV use has stripped more than a million acres in the desert. (Desert Protection Act, p. 7)

BLM RESPONSE: This allegation lacks any supporting scientific data whatsoever. In fact, a respected study done by Dr. Peter Rowlands and Dr. John Adams in 1980 for the Desert Plan documented only 60,000 acres heavily impacted by OHV (off-highway vehicles) use. Dr. Rowlands, a botanist now with the Death Valley National Park and Dr. Adams, a soil scientist, intensively studied aerial photos and estimated that at most, one-half percent of the 12 million acres in the CDCA (California Desert Conservation Area) had been impacted by OHVs. They added that this was a "worst case" analysis and that the figure was probably even lower.

The total designated "open" area acreage is slightly more than 500,000 acres of the 12.1 million acres of public lands in the desert. A relatively small percentage of many of the open areas are actually used. While some resource impacts do occur in these areas, the environmental assessment and planning process ensures these areas have properly been set aside for this type of purpose.

Finally, the Bureau has nearly completed its route designation process. This accomplishment is another milestone of a 20-year effort by BLM to limit proliferation of routes and enhance the agency's ability to reduce resource damage.

2. ALLEGATION: For every mile of desert travel by a four-wheeled vehicle, 3.3 tons of soil is displaced. (Desert Protection Act, p. 7)

BLM RESPONSE: The figure of 3.3 tons of soil displacement is misleading and cannot be applied to the Desert across the board without significant error. Other studies have shown once a trail is established there are only small amounts of displacement over time. Since most trails/ways are well established, a figure of less than that quoted would result.

This figure was cited in a draft U.S. Geological Survey report and the derivation of the value and the specific site and soil where it was measured is undocumented. Even if the value is accurate, it is still an invalid over-generalization to apply desertwide. In many areas vehicles can traverse desert soils with little or no soil erosion. The total area traversed by roads also makes up a small portion of the total land area (much less than 1%). Due to this small overall area of impact even apparently significant increases of erosion on certain roads and trails amount to an insignificant effect when applied to a large watershed area.

3. ALLEGATION: The 1970 Barstow to Las Vegas motorcycle race produced more than 660 tons of airborne particulate pollution. (Desert Protection Act, p. 7)

BLM RESPONSE: Studies show that where intensive OHV activity occurs (which is a very small percentage of the Desert as a whole), total suspended particulate (TSP) values return to normal within 48 hours. TSP measurements may approach background values in less than 100 meters upwind of the event. As an added note, the impacts of the Barstow to Las Vegas race have been thoroughly analyzed in an environmental impact statement and the permits that have been issued have been sustained in the Federal Courts (both District and Court of Appeals) despite a suit brought by the Sierra Club. Finally, even S.7 proponents acknowledge that the Barstow to Las Vegas race would be allowed to continue even if S. 7 is passed.

4. ALLEGATION: Tracks from maneuvers conducted by General George S. Patton in 1942 are still visible in the Desert (Desert Protection Act, p. 7)

BLM RESPONSE: Although much has been written about the visibility of scars left as a result of General Patton's tank maneuvers, there is little truth to the allegation. Some of the tracks are still visible from the air, but most have been erased by nature. Also, many of the tracks attributed to War World II maneuvers actually occurred much later, during Operation Desert Strike in 1964, which was designed to recreate World War II activities.

Finally, it is difficult to equate the marks left by hundreds of heavy-tracked tanks operating in close formation to those of the tracks left by lightweight rubber-tired cycles in different soils and settings.

5. ALLEGATION: Unauthorized mining operations have seriously damaged desert environments. (Desert Protection Act, p. 7)

BLM RESPONSE: There were a few operators who failed to comply with BLM mining regulations--but the environmental impacts were either insignificant, or were quickly reclaimed. One instance is still under appeal to the courts. The integrity of the few wilderness study areas affected were preserved.

6. ALLEGATION: Poorly managed grazing has denuded large sections of desert flora, causing erosion and damage to desert tortoise habitat. (Desert Protection Act, p. 7)

BLM RESPONSE: Since the approval of the California Desert Plan, active use by livestock has decreased from 99,362 animal unit months (AUMs) to 84,191 AUMs. This reduction, coupled with the implementation of 28 allotment management plans and the investment of several hundred thousand dollars in range improvements, had improved range condition and increased the number of acres of improving trend. The latest range condition report for the CDCA shows that of the 3.4 million acres suitable for grazing, 1.9 million acres are in good condition, 1.5 million acres are in fair condition, and less than 1,000 acres are in poor condition. In habitats with high tortoise density, turnout of sheep is delayed until spring emergence of tortoises has occurred. Fenced exclosures to study the impacts of grazing have been constructed at the Desert Tortoise Natural Area, in Ivanpah Valley, and in the West Mojave Crucial Habitat Area. A minimum of 350 pounds of ephemeral forage per acre must be available within designated "crucial" tortoise habitats before any sheep are allowed.

7. ALLEGATION: Indian rock art and other artifacts have been damaged and giant intaglios have been criss-crossed by tire tracks. (Desert Protection Act, p. 7)

BLM RESPONSE: BLM data on site damage support a diminished rate of site damage since 1980. This is largely due to the Desert Plan protection provisions and the Desert Ranger Force. Current inventories suggest that fewer sites are vandalized than was originally suspected. Since original inventory data were for areas easily accessed, they showed the levels of vandalism to a higher degree. Current data on the intaglios, based on the National Register of Historic Places nominations by the State of California, do not support the statement that "most" of the giant intaglios have been crisscrossed by the tracks. One of the few documented cases is the Yuha Geoglyph was vandalized in 1975 and BLM subsequently re-fenced the area to protect it.

8. ALLEGATION: Management of the desert has been inadequate, lacking proper protection and preservation, resulting in destruction of irreplaceable resources. (Desert Protection Act, p. 7)

BLM RESPONSE: This statement ignores the positive steps BLM and numerous public groups have taken to protect the desert. The Bureau has sought to protect the desert with education and planning programs. Twenty-two desert rangers have been hired and delegated full law enforcement authority. Millions of acres of protective land use classes were established through the Desert Plan and are monitored on the ground and by air to detect and discourage unauthorized uses. Eighty Areas of Critical Environmental Concern have been established. The Bureau has proposed nearly 2 million acres of wilderness and has established the Coachella Valley Lizard Preserve, the California Desert Tortoise Natural Area, and the East Mojave National Scenic Area, an area over 1.5 million acres of the CDCA. In addition, approximately 175 cooperative agreements with organizations, local governments, and individuals have been established to enhance and protect public lands in the desert and hundreds of volunteers monitor and assist users of the desert lands.

9. ALLEGATION: S. 7 would not close roads or limit vehicle access to the desert. (Desert Protection Act, p. 8)

BLM RESPONSE: Access is a critical issue in a desert environment and closures of small segments can create extensive detours or seriously affect the recreation opportunities. S.7 would close over 2,200 miles of critical routes. S.7 would also limit further expansion of access for recreation, hunting, mining, facility maintenance, etc. to the 8 million acres of proposed wilderness.

10. ALLEGATION: Under S. 7, more than 800,000 acres would remain dedicated to OHV activity. (Desert Protection Act, p. 8)

BLM RESPONSE: The total "open acreage" in the CDCA is about 500,000 acres. Of that area only a relatively small percentage is actively used because of natural site limitations, such as steep or rocky terrain.

11. ALLEGATION: S. 7 would not lock up mineral resources. All valid rights are legally protected and current operators with economic deposits will have continued rights to access and production (Desert Protection Act, p. 8)

BLM RESPONSE: S.7 will lock up substantial mineral resources. The California Desert is one of the most highly mineralized regions of the world, including 24 minerals considered to be strategic to this country and 3 rated as critical. Known mineral values exceed $300 billion. What may be even more important are those deposits that are unknown or remain undeveloped today because of economic or technological reasons. With changing technology in the exploration for mineral resources and ways in which minerals are used, it is impossible to anticipate what mineral may be of particular value in the future. It is predictable, however, that the California Desert's mineral deposits, discovered or still undiscovered, will contribute this changing technology. As an example, roughly 65% of the desert is covered by alluvium and as a consequence potentially conceals about two-thirds of the mineral deposits that are likely to occur in the desert. Because of this, we can anticipate that many new discoveries are likely in the desert area with the application of new exploration tools and more intensive surveys.

S.7 would close 8.5 million acres to new discoveries. Again, the assertion that S.7 will protect valid existing rights of mining claimants is misleading because those rights must be perfected on the date of passage of the bill. What this means is that a mining claimant who may have located a mineral deposit, but who has not had a chance to "prove up" on it, cannot meet the "valid existing right" test because he/she has not proven that a "valuable mine" is a reality. The mere existence of a mining claim does not constitute a "valid existing right"--so for all practical purposes, S.7 will erase any hope for new discoveries on mining claims. A very important factor is that all claims under S.7 must be subject to the valid existing right test--a project that could cost the taxpayer some $400,000,000. There are about 43,000 claims under S.7 and BLM calculates that the cost to challenge one claim is about $10,000. The mining claimant may, and sometimes does, appeal his/her case all the way to the Supreme Court. Of course, any appeals by the claimant will increase this estimated cost to challenge a claim. Finally, S.7 also includes provisions to purchase valid or patented claims within the new National Parks, which could amount to tens of millions of dollars of additional costs to the Federal Treasury.

12. ALLEGATION: Grazing in BLM wilderness areas would continue under S.7, while grazing in National Parks would be phased out over 10 years. (Desert Protection Act, p. 8)

BLM RESPONSE: While grazing would continue in BLM wilderness areas, there would be restrictions on range improvements and vehicular access for either maintenance or supervision. Grazing in additions to National Parks would be terminated as the present 10-year grazing permits expire once the areas have been added to the Parks. This amounts to 55 percent of the authorized grazing use in the area, eliminating entire operations, most family-run, without providing any alternative grazing lands.

13. ALLEGATION: Hunting would be allowed to continue in BLM wilderness areas; increased wildlife protection would increase supply. (Desert Protection Act, p. 8)

BLM RESPONSE: The likelihood of wilderness designation increasing wildlife populations in the desert is highly questionable. Water is frequently the most limiting factor for wildlife populations in the California Desert. One of the best means available to increase game species in the desert is through development of additional water sources. Sometimes this involves the use of equipment and the need to truck in materials. These activities would be severely restricted in wilderness areas, and eliminated in park expansion areas.

Hunting is prohibited in National Parks, and several of the finest areas for hunting are within the park proposals. While hunting would be "allowed" to continue in BLM wilderness areas, it would be significantly reduced due to access restrictions and eliminated in areas proposed for park additions. It is well known in California that one of the primary concerns of sportsmen is access. Sportsmen's groups are looking for improved access, not further restrictions. It is important to note that both the Western Association of Game and Fish Agencies and the Desert Bighorn Sheep Society oppose S.7.

14. ALLEGATION: S. 7 is the next logical step in the planning process for the California Desert Conservation Area (Desert Protection Act, p. 9)

BLM RESPONSE: S.7 scuttles years of planning and public participation that cost $8 million and destroys a carefully developed plan that achieves balance among competing users. S.7 is a dramatic and abrupt change of direction from the 1976 Federal Land Policy and Management Act which is currently being carried out by BLM. Congress asked BLM to prepare a plan for the public by 1980 and provide for an annual amendment process that involved the public and the Desert Advisory Council. Additionally, wilderness areas were to be identified in the Desert Plan of 1980 and proposed to Congress following the established planning and study process.

15. ALLEGATION: S. 7 will ensure the survival of the Desert while still providing for a variety of commercial and recreational uses.

BLM RESPONSE: The Desert Plan certainly ensures the "survival" of the Desert and, in fact, goes well beyond that to ensure protection of wilderness values and other special values that make the California Desert unique. In total, 65% of the entire California Desert Conservation Area, or nearly 8 million acres, was either recommended for wilderness (1.9 million acres) or given a high level of protection (5.9 million acres of Class L-limited use). As a balanced multiple use plan, it still allows a variety of commercial and recreational uses. S. 7 will prohibit all commercial development and vehicular recreation on more than 8.8 million acres of proposed wilderness.

16. ALLEGATION: Existing Death Valley National Monument boundaries do not include all contiguous lands of park caliber. (Death Valley National Park, p. 16)

BLM RESPONSE: Present park boundaries essentially fall on ridgelines that make intrusion into the park impossible. S.7 proposes boundaries that are not logically related to the present monument and ignore many potential administrative problems, such as driving distance for ranger patrols, need for additional potential ranger stations and support facilities, and costly dual management of valleys by NPS and BLM.

17. ALLEGATION: These lands need the protection of the National Park Service since BLM's plan does not provide wilderness protection for some of these park-quality lands. These lands are increasingly vulnerable to damage from OHVs and mining. (Death Valley National Park, p. 16)

BLM RESPONSE: These lands are not of park quality. The best areas, including Saline and Eureka Valleys, are recommended for wilderness by BLM. Park designation is unnecessary as these would receive legislative protection as wilderness. BLM would manage the remaining lands for multiple use in accordance with the Desert Plan to control potentially conflicting uses. These lands are not being damaged by OHVs or mining. Although some routes into the areas remain open to allow for access for hunters and rockhounders, BLM has already closed both dunes to cross-country vehicle use (Saline in 1981 and Eureka in 1977).

18. ALLEGATION: Proposed park expansions form natural ecological boundaries and provide a buffer from incompatible uses. (Death Valley National Park, p. 16)

BLM RESPONSE: The original Death Valley National Monument charter was established with the "sink" area as the motivating factor. The sink was buffered substantially at that time to a distance that would preserve the sink's character. There is no pressing rationale for expanding the boundaries now unless there is a clear change in the intent and purpose for the park's origin.

19. ALLEGATION: Park Service's 1977 report stated that Death Valley needs to be rounded out. (Death Valley National Park, p. 16)

BLM RESPONSE: S.7 goes well beyond the specific lands the Park Service would add to the monument. The lands to be included by S.7 are not of Park quality and would pose many unnecessary management problems and costs, including adding substantial driving distance for ranger patrols, additional support services and facilities to be developed, and duplicating management responsibilities for both BLM and NPS.

20. ALLEGATION: BLM's 1979 report concluded that Eureka-Saline area qualifies for inclusion in National Park System. (Death Valley National Park, p. 16)

BLM RESPONSE: The 1979 report cited was not an official decision, but a preliminary analysis by a limited number of staff. The final conclusion reached by the NPS and BLM for the 1980 Desert Plan was not to include these areas in the National Park System. BLM has recommended most of the Saline - Eureka area for wilderness.

21. ALLEGATION: Park Service's 1987 report concluded that most of S. 7's proposed additions to Death Valley would be desirable for the monument. (Death Valley National Park, p. 16)

BLM RESPONSE: NPS has not made a recommendation on the proposed additions. According to the NPS, the staff paper merely evaluated implications of the proposed legislation on management of the existing NPS units, and assessed the resource quality and management implications of the two proposed new units. It did not take into account economic impacts of park expansion, loss of mineral and energy sources, impacts to military operations, and unnecessary management overlap for both BLM and NPS.

22. ALLEGATION: Proposed additions to Death Valley contain no currently active mining operations. There has been production in the past as well as outside the boundaries; there are unpatented claims within the additions. (Death Valley National Park, p. 17)

BLM RESPONSE: Most of the areas proposed for inclusion in the Death Valley extension are Wilderness Study Areas (WSAs). The mineral industry has shown interest in these areas, but BLM has not approved a major mining or exploration plan in a WSA since 1979 due to the restrictions of the nonimpairment criteria in BLM's Wilderness Interim Management Policy.

23. ALLEGATION: Proposed boundaries of Death Valley include 39,000 acres of State lands; most are school sections. State Lands Commission reacted favorably to opportunities for accelerated land exchanges in the bill. (Death Valley National Park, p. 17)

BLM RESPONSE: S.7 would require the Secretary to acquire by exchange all state lands within wilderness or parks. BLM has been engaged in a cooperative land exchange program with the State Lands Commission for several years. Delays have been caused by the state's difficulty in identifying suitable available lands for acquisition. S.7 will not cure this problem. In fact, this mandated state exchange would preclude identified high priority private exchanges, exhaust the public land exchange base, and eliminate an orderly land acquisition program based on multiple-use planning.

24. ALLEGATION: Grazing within proposed additions is marginal. (Death Valley National Park, p. 17)

BLM RESPONSE: Although "marginal" depends on the eye of the beholder, certainly the 2,078 AUMs lost would not be considered marginal to the livestock operators affected. Three operators would be impacted severely; at least one of these would be forced out of business without providing any alternative grazing lands.

25. ALLEGATION: Proposed additions to Joshua Tree were part of original monument, but were removed for mining operations. They are still pristine and should be restored to monument. (Joshua Tree National Park, p. 21)

BLM RESPONSE: Congress determined in 1964 that these lands were more valuable for their mineral resource values than for the monument. Part of the S.7 proposal includes the Eagle Mountain mine area, which was active until 1984. Economic conditions may change in the foreseeable future to allow for development of these and other minerals. Also, the mining community has shown a significant amount of interest in the area in that 538 claims are on record within the S.7 addition.

26. ALLEGATION: Joshua Tree proposed expansions generally follow natural ecological boundaries and are continuations of mountain systems already within the monument. (Joshua Tree National Park, p. 21)

BLM RESPONSE: Current boundaries are effective in protecting the ecological boundaries. Extension of the monument would pose a host of new problems for BLM and NPS. Among these are administrative costs and duplication of responsibility for patrolling mutual boundaries; costs associated with clearing mining claims in park additions (528 claims); reduced opportunities for camping, sightseeing, and general recreation due to loss of access; and land tenure problems involving 36,000 acres of private lands, and 8,520 acres of state lands.

27. ALLEGATION: Park Service's 1987 report recommended that two of the four additions proposed in S. 7, Coxcomb Mountains and Eagle Mountains, should be added to monument. (Joshua Tree National Park, p. 21)

BLM RESPONSE: NPS has not made a recommendation on the proposed additions. According to the NPS, the staff paper merely evaluated implications of the proposed legislation on management of the existing NPS units, and assessed the resource quality and management implications of the two proposed new units. It did not take into account economic impacts of park expansion, loss of mineral and energy sources, impacts to military operations, and unnecessary management overlap for BLM and NPS.

28. ALLEGATION: Proposed additions to Joshua Tree contain no active mining. There has been production in past and several ongoing operations lie outside the boundaries. There are 746 unpatented claims in the additions. (Joshua Tree National Park, p. 21)

BLM RESPONSE: BLM records show 538 claims of record in the area. The fact that such a substantial number exist in the area indicates a significant amount of interest in the area by the mining community.

29. ALLEGATION: Proposed additions to Joshua Tree include 8,520 acres of state lands. The State Lands Commission reacted favorably to opportunities for accelerated exchange opportunities in S. 7. (Joshua Tree National Park, p. 21)

BLM RESPONSE: S.7 would mandate the Secretary to acquire by exchange all state lands within wilderness or parks. BLM has been engaged in a cooperative land exchange program with the State Lands Commission for several years. Delays have been caused by the state's difficulty in identifying suitable available public lands for acquisition. S.7 will not cure this problem. In fact, this mandated state exchange would preclude identified high priority private exchanges, exhaust the public land exchange base, and eliminate an orderly land acquisition program based on multiple-use planning.

30. ALLEGATION: The proposed park boundaries include 40,800 acres of private land, mostly railroad "checkerboard." Exchanges could be worked out that would benefit the public and the railroad. (Joshua Tree National Park, p. 21)

BLM RESPONSE: BLM is already engaged in an active private exchange program to block up public and private ownership in the "checkerboard" railroad lands area. This program is based on multiple-use planning and recognition of both public and private management and development needs. S.7 would eliminate this cooperative, mutually beneficial private exchange program.

31. ALLEGATION: There is no grazing in the proposed additions. (Joshua Tree National Park, p. 21)

BLM RESPONSE: The statement is true.

32. ALLEGATION: There is OHV use at the edges of the proposed additions as well as illegal OHV use into the canyons of the existing monuments generally organized on private lands. (Joshua Tree National Park, p. 21)

BLM RESPONSE: There is limited OHV access to the monument--three routes which are within the monument and are critical for management of the unit. There is some trespass from private lands (area is not blocked) onto public as well as monument lands. The Bureau is studying closing some limited routes which are not critical for monument access to reduce the potential for trespass.

33. ALLEGATION: BLM's 1979 report concluded that the cultural and natural resources of the East Mojave qualifies for national park or monument status. (East Mojave National Park, p. 25)

BLM RESPONSE: The 1979 report was not an official recommendation, but only a preliminary staff analysis. BLM and the NPS agree that the Mojave is not nor ever was park quality. NPS's position has been and continues to be that the East Mojave does not meet criteria for addition to the National Park System. Besides traditional uses, such as ranches, which are part of the character of the region, the Mojave also contains a transcontinental railroad, numerous powerlines, gas and oil delivery lines, residences, and active mining. However, BLM has designated the area a National Scenic Area to reflect its special values. In addition, 7 areas covering 271,00C acres within the Scenic Area are recommended for wilderness.

34. ALLEGATION: Park Service's 1987 report recommended that East Mojave would be a worthy and valuable addition to the National Park System. (East Mojave National Park, p. 25)

BLM RESPONSE: NPS has never been interested in this area as a park and did not make a recommendation on the proposed additions in the 1987 report. According to the Park Service, the study merely evaluated implications of the proposed legislation on management of the existing Park System units.

35. ALLEGATION: Current BLM Scenic Area status provides inadequate protection for the resources in the East Mojave. BLM's multiple use management cannot provide the integrated protection of the Park Service. (East Mojave National Park, p. 25)

BLM RESPONSE: The Bureau has designated the East Mojave National Scenic Area (EMNSA) through the Desert Plan and has developed a management philosophy which puts priority on managing the area for its scenic quality. The recent EMNSA Draft Activity Plan outlines more specific actions which will be implemented to protect and manage the area's scenic quality. Within the EMNSA designation many areas are given additional management attention including Areas of Critical Environmental Concern, National Natural Landmarks, and Outstanding Natural Areas. Each of these additional management prescriptions combined with the Draft Activity Plan will afford the attention required under the Desert Plan. The National Park Service cannot necessarily provide any additional protection than now provided under the existing scenic area designation.

36. ALLEGATION: BLM does not plan to seek wilderness protection for all qualifying lands, nor does it offer the area maximum protection. (East Mojave National Park, p. 25)

BLM RESPONSE: BLM has recommended the best areas for wilderness - 7 areas, 271,000 acres. Other areas have been carefully evaluated. The EMNSA plan, now in draft, will guide use of the area and will ensure protection of other special values.

37. ALLEGATION: Current BLM Scenic Area status is impermanent. BLM deleted 47,520 acres from the Scenic Area in the six years and continues to consider other deletions. (East Mojave National Park, p. 25)

BLM RESPONSE: The BLM's designation is permanent. The plan was amended in 1982 to delete the Mountain Pass area totaling 47,520 acres from the EMNSA. This deletion did not change any multiple use classes but removed a highly mineralized area presently being mined by Molycorp from the Scenic Area. The area contains an estimated 60% of the world's rare earths. It is now outside the EMNSA and was specifically eliminated under S.7 for park status.

38. ALLEGATION: Mining is not extensive within the proposed park area. Portions were heavily mined in the past; there is still considerable interest. However, market conditions would have to change significantly for new mining to occur. There are 10,000 unpatented claims; only 10 percent are probably valid. (East Mojave National Park, p. 26)

BLM RESPONSE: Currently, three gold mines are operating in the proposed Mojave National Park, three more are proposed, and Molycorp is exploring to define the northern and southern extensions of the Mountain Pass rare earth ore body. A study recently completed by the California State Geologist indicates high mineral potential for East Mojave. BLM acknowledges that many of the 10,000 claims are probably not valid, but they certainly indicate a high degree of interest by the minerals industry.

39. ALLEGATION: Proposed Park boundary includes 62,000 acres of State lands. The State Lands Commission reacted favorably to opportunities for accelerated exchanges in the bill. (East Mojave National Park, p. 26)

BLM RESPONSE: S.7 would require the Secretary to acquire by exchange all state lands within wilderness or parks. BLM has been engaged in a cooperative land exchange program with the State Lands Commission for several years. Delays have been caused by the state's difficulty in identifying suitable, available public lands for acquisition. S.7 will not cure this problem. In addition, this mandated state exchange would preclude identified high priority private exchanges, exhaust the public land exchange base, and eliminate an orderly land acquisition program based on multiple-use planning.

40. ALLEGATION: Proposed park boundary includes 163,000 acres of private lands; most is railroad "checkerboard" lands. BLM is pursuing an exchange of 16,000 acres. (East Mojave National Park, p. 26)

BLM RESPONSE: BLM is already engaged in an active private exchange program to block up public and private ownership in the "checkerboard" railroad lands area. This program is based on multiple-use planning and recognition of both public and private management and development needs. S.7 would eliminate this cooperative, mutually beneficial private exchange program.

41. ALLEGATION: Grazing is marginal (only 3,600 cows) on the several operations in the area. Grazing use would be phased out under S.7 as permits expire. (East Mojave National Park, p. 26)

BLM RESPONSE: The livestock operations in the Mojave are certainly not "marginal" to the livestock operators whose livelihoods depend upon them. The operations are viable ones and are not adversely impacting the area. Range condition in the Mojave has been steadily improving. Water developments in the region, many of which were funded--at least partially--by grazing lessees, provide water for wildlife as well as livestock.

In addition to the nearly 3,600 cattle that annually graze the public lands of the area, at least that many more graze the private lands there. Because the grazing operators in the area are dependent upon a combination of public and private lands, the actual impact of S-7 will be much greater than this allegation implies.

42. ALLEGATION: There are few residents in the area; no acquisitions of their homes is anticipated. (East Mojave National Park, p. 26)

BLM RESPONSE: The bill does provide for acquisition of private lands in the East Mojave. It states that such acquisition may occur only with consent of the owner, unless it is determined that the property is being developed in a way "detrimental to the integrity of the park." Regardless, private inholders will find their lifestyles and perhaps their livelihoods substantially restricted by the park status. For these reasons, the large majority of residents in both Fort Soda and Kelso are strongly opposed to the legislation.

43. ALLEGATION: The main transportation corridors in the area, including two interstate highways, a railroad, and two major utility corridors, would be unaffected by the bill. (East Mojave National Park, p. 26)

BLM RESPONSE: The Desert Plan does not identify any designated corridors within the EMNSA. Existing utility facilities have been proposed as within a "contingent" corridor when other corridors outside the EMNSA are at capacity. National Park status would preclude additional facilities, allowing only existing uses. A recently completed Western Regional Corridor Study by the Western Utilities Group identifies a corridor need through the East Mojave for new transmission lines when other corridors are saturated.

44. ALLEGATION: In Red Rock Canyon State Park, the State has almost completed private acquisitions, but BLM has still not transferred public lands. BLM has refused the promised lands to the state because it would restrict traditional access. (Red Rocks, p. 28)

BLM RESPONSE: BLM and the State Park are in full agreement on the transfer of lands to Red Rocks. In fact, S. 7 would transfer almost six times more land than the State has requested. The State has applied for 4,146 acres of BLM land to be added to Red Rocks. S. 7 would transfer 24,000 acres, much of which is covered by mining claims and is not needed or wanted by the State. BLM has no problem with the State's request, and all administrative work for the transfer is complete. The problem is a pending lawsuit against BLM filed by the National Wildlife Federation. Under that suit, which is nationwide in scope, BLM is enjoined from transferring lands from Federal ownership if they had not been classified for disposal prior to 1981.

The Bureau entered into a cooperative management agreement with the state for the management of the Nightmare Gulch area adjacent to the park several years ago. With this agreement the public lands would be managed to complement and protect adjacent park values. In this regard the Bureau and the state control OHV use in the area through special permits. In 1986 a portion of the area was closed by the Bureau to protect golden eagle nest areas. This seasonal closure will remain in effect as long as wildlife values are threatened.

45. ALLEGATION: In Indian Canyons, the bill provides for exchange of lands with Indian allotees for other Federal lands of equal value. (Indian Canyons, p. 29)

BLM RESPONSE: S.7 as proposed authorizes the taking of Agua Caliente allotment lands owned by individual allotees which would have to be justly and directly compensated even though the legislation addresses only a formal exchange process with the tribe. It would be impossible to find BLM lands available for exchange that would even come close to equalizing the value of the Indian lands, estimated in the multi-millions of dollars.

46. ALLEGATION: Indian Canyon is imminently threatened by development. (Indian Canyon, p. 29)

BLM RESPONSE: The Agua Caliente Tribe is currently managing the Indian Canyons to protect riparian and cultural values. The historic values in the canyons reflect the long occupation and use of the area by the Agua Caliente and their ancestors and hold a unique significance to the tribe. Recognizing these values, the tribe and allotees holding land in the area have worked together for several years to produce a program for the preservation of the historical and natural resources of the canyons while allowing the development of allotment lands.

47. ALLEGATION: A land developer has a 66-year lease on 490 acres of Indian Canyons that are planned for residences, a golf course, and other developments. The development would embrace areas of historic Indian values. (Indian Canyons, p. 29.)

BLM RESPONSE: As noted, a lease has already been negotiated by allotees with a developer for portions of the involved allotment lands. The estimated development value of the land exceeds several million dollars. This expressed value would have to be considered in any compensation appraisal. The "historic properties" in the canyons are resources of special heritage value to the Cahuilla and will be addressed as an aspect of the development. As written, S.7 would dictate to the Cahuilla Indians the appropriate management of Cahuilla historic sites on their own land.

48. ALLEGATION: Previous attempts to establish a park date back 75 years; all have failed because they would have resulted in federal government taking ownership of Tribal and allotees' lands. (Indian Canyons, p.29.)

BLM RESPONSE: The current legislation duplicates previous attempts to take Indian lands in the Indian Canyons area. There is no equivalent federal land base anywhere within the Palm Springs area to provide a basis for the proposed exchange. The Agua Caliente Tribe has expressed concern and opposition to the language in S.7 in prior correspondence and testimony before Congress. In summary, Indian Canyons represents Agua Caliente lands and historic resources owned by the Agua Caliente which reflect the occupancy and use of the area by the Agua Caliente for hundreds of years.

49. ALLEGATION: The bill's statutory protection for the Desert Lily Sanctuary will ensure BLM does not redesignate the area or reduce its size. (Desert Lily, p. 30)

BLM RESPONSE: The BLM Desert Lily Sanctuary is a permanent designation and is well protected under the current plan. It was withdrawn in 1969 (Public Land Order 5224) from mining and other forms of appropriation.

However, it is important to point out that the desert lily is not particularly rare. Munz (Flora of Southern California, Univ. Calif. Press, 1974) states that the desert lily is "locally common on dry sandy flats and gentle slopes below 2500 feet," in the Mojave and Colorado Deserts. The species is not considered rare by the California Native Plant Society, nor has it ever been considered by the U.S. Fish and Wildlife Service as a candidate for listing as endangered or threatened. The Desert Lily Sanctuary represents an area where it can be conveniently viewed and appreciated by the public.

50. ALLEGATION: Only wilderness designations can provide lasting protection for the region's diverse ecosystems. (BLM Wilderness, p. 32)

BLM RESPONSE: The statement is false. BLM has been protecting sensitive areas through various means for many years, even before the Federal Land Policy and Management Act and the Desert Plan. Furthermore, BLM has recommended wilderness designation for 44 areas in the California Desert Conservation Area (CDCA), - approximately 1.9 million acres - as well as nine areas totaling 104,000 acres outside the CDCA, but within the S.7 boundaries. Other areas have been designated by as Areas of Critical Environmental Concern, or given other special designations. Sensitive and significant values as recognized in the Desert Plan were placed in the limited use class. These special designations total approximately 8 million acres in all. In addition, BLM has acted to protect and preserve the region's ecological integrity and its native flora and fauna by: designating routes of travel and limiting or closing others; regulating mining and other mineral activities through required plans of operations, performance bonds, reclamation, and special stipulations to protect resource values; preparing environmental studies on projects; patrolling and taking law enforcement action when necessary (on the average 1,000 citations per year issued).

51. ALLEGATION: S. 7's wilderness boundaries are usually larger than BLM's and cover entire ecological units, thus ensuring long-term viability and diversity maintenance. (BLM Wilderness, p. 32)

BLM RESPONSE: S.7 incorporates many areas that do not meet the criteria for wilderness in the 1964 Wilderness Act, including several areas that were inventoried by BLM and dropped because they did not contain even minimal wilderness values required by law. Ecological units are protected by other designations and management classes.

52. ALLEGATION: BLM boundaries do not include lowlands; they're needed in wilderness because they receive the heaviest use. (BLM Wilderness, p. 32)

BLM RESPONSE: BLM included a wide diversity of desert landforms and ecosystems in the areas recommended for wilderness--playas, bajadas, and riparian areas were specifically included. When sensitive or significant areas could not be put in wilderness, other special measures were taken, such as ACEC, Class L, or other special designations.

53. ALLEGATION: Conservationists visited and surveyed each of the proposed wilderness units. (BLM Wilderness, p.33.)

BLM RESPONSE: The process used to develop S.7 was not as intensive or extensive as BLM's wilderness review process. Even more important, the drafters of S.7 have not revealed publicly the criteria and process for why each WSA was selected and should become wilderness. BLM's process includes three phases: inventory, study, and reporting and involved literally hundreds of public workshops, meetings, and fact gathering sessions.

The inventory phase of this process involved examining the public lands to determine and locate the existence of areas containing wilderness characteristics that met the minimum criteria established in the Wilderness Act. Areas clearly lacking wilderness characteristics were sorted out from lands that might have those characteristics. This intensive inventory was then followed by a 90-day public review period, after which final WSAs were identified.

The study phase involves the process of determining, through careful analysis, which wilderness study areas will be recommended as suitable for wilderness designation and which will be recommended as nonsuitable. The criteria used include the relative wilderness quality of each WSA; ecosystem and landform representation and uniqueness; proximity to urban centers; and accessibility to all segments of the population. The analyses for the WSAs are included in draft and final environmental impact statement (EIS) which are distributed for public review. Comments received on the draft EIS are responded to in the final EIS.

BLM spent 4 years doing the inventory and study phases. Of course, not everyone agreed with BLM's recommendations, but consensus was reached at the end of the study phase that about 1.9 million acres was most appropriate, ensuring that the best areas would be preserved. Even so, there were conflicts within the 1.9 million acres, but BLM felt that wilderness values in these areas outweighed the other values present. The drafters of S. 7 who included all WSAs as well as non-wilderness acreage must have limited their views to a single resource aspect and ignored all other uses, values, and public opinion.

The reporting phase consists of actually forwarding or reporting these suitable and nonsuitable recommendations through the Secretary of the Interior and the President to Congress. Mineral surveys by the U.S. Geological Survey and the Bureau of Mines required by the law, environmental statements, comment letters, and other data are also submitted with these recommendations.

(The following issues are 10 "Myths" as the writers describe arguments advanced by opponents against the bill and their own "Facts" in response. Ten Greatest Myths, p. 35, 36, 37)

54. ALLEGATION: "Myth 1": Off-road motorcycle and and dunebuggy enthusiasts won't have any place to play. "Fact": An area larger than Rhode Island and twice the size of Sequoia National Park would remain open for exclusive use of OHVs; 92 percent of current open areas would remain open; two sensitive dunes would be closed within wilderness study areas that BLM inappropriately opened; and more than a million acres adjacent to existing roads could still be used by OHVs.

BLM RESPONSE: S. 7 would close about 68,000 of the 538,000 acres of OHV open areas. That amounts to only 87 percent, not 92 percent, of the original acreage remaining available for this use. The two sensitive dunes mentioned are probably South Algodones and Rice Valley. Because of low use levels and the fact that their wilderness values are not being impaired, both areas are currently open to OHV use. BLM monitors these areas to ensure full compliance with the nonimpairment criteria of the Federal Land Policy and Management Act. Of the 12.1 million acres in the CDCA, S. 7 would close 8.8 million within proposed wilderness areas to all OHV use.

55. ALLEGATION: "Myth 2": Family campers, sightseers and others will lose vehicular access. "Fact": Enough roads and routes would remain open to travel around the Earth one and a quarter times; all constructed roads would remain open as well as thousands of miles of dirt ways; the vast majority of BLM's estimate of 40,000 miles of roads, routes, etc. will be left open.

BLM RESPONSE: Currently, the CDCA is served by 15,000 miles of maintained roads (Federal Interstate Highways, State and County roads) as well as an estimated 21,000 miles of unmaintained roads. Many miles of the latter may not have legal public access, and as the route designation process is completed, actual mileage may be significantly less. Key access to areas would be lost under S.7 which would close over 2,200 miles of quality access for recreation, mineral exploration, grazing, and other uses.

56. ALLEGATION: "Myth 3": Proposed wilderness areas contain many miles of roads used by thousands who will lose access. "Fact": The proposed wilderness areas are "roadless" as required by Federal law. There may be some primitive trails.

BLM RESPONSE: "Myth 3" is not a myth; it is a fact. The confusion lies in the definition of what constitutes a road and how important roads are for access to desert areas. For wilderness inventory purposes, the term "roadless" is officially defined as "the absence of roads which have been improved and maintained by mechanical means to insure regular and continuous use." Although the areas proposed for wilderness designation in S.7 contain no improved or mechanically maintained roads, they do contain many "ways" which are maintained solely by the passage of vehicles. These ways (which are the "miles and miles of roads" referred to in "Myth 3") currently provide essential access for recreational and other users of these areas--access that is permitted under BLM's Interim Management Policy but would not be permitted under wilderness designation. Such access is especially important in desert areas where severe environmental conditions often make nonvehicular means of access impractical and even dangerous.

57. ALLEGATION: "Myth 4": S. 7 will stop all mining in the Desert. "Fact": The boundaries were drawn to exclude all currently producing mines. All valid existing rights would be legally protected.

BLM RESPONSE: S. 7 will have a substantial impact on mineral production in the Desert, a minerally rich area with 65 mineral commodities known to exist, 24 of which are considered strategic and 3 critical to the country. Even expansion of existing mines could be significantly reduced under S.7. Cheaper fuel prices and better financing allowed Gold Fields to discover and develop a major (150,000 oz. gold/year; Mesquite Project) mine for disseminated (microscopic) gold on land thought to be worthless for a hundred years. It is the potential for new discoveries, expansion of existing mines, and development of known reserves not currently economical to develop that is at stake with S.7

This statement is confirmed by the late Dr. Vincent McKelvey, former Director of the U.S. Geological Survey and currently a scientist with the agency in its headquarters office. He said, "Appraising mineral resources is an emerging science. A final, once and for all "inventory" of any mineral resource is nonsense. Mineral reserves and resources are dynamic quantities and must constantly be appraised. As known deposits are exhausted, unknown deposits are discovered, new extractive technologies and new uses are developed and new knowledge indicates new areas and new environments are favorable for mineral exploration."

For example, the geothermal potential of East Mesa in Imperial County was unknown prior to the early 1960s since no surface manifestations of the resource existed. Today, the field is producing over 20 megawatts of electrical power and new proposals could boost it to over 110 megawatts. Many other examples can be cited.

The discovery of a new type of superconductor materials (made from rare-earths) capable of transmitting electric current without the resistance that ordinarily wastes energy in the form of heat has opened the door to a host of futuristic applications. The Desert produces 97% of this country's rare earths. from Mountain Pass. There is excellent potential for rare earths to occur in other parts of the Desert.

See also explanation on valid existing rights in number 11.

58. ALLEGATION: "Myth 5": The Desert contains a wealth of minerals that will be inaccessible. "Fact": The Desert has been intensively explored; BLM data indicates that virtually all known reserves lie outside of proposed wilderness areas; bill specifically excluded commercial mining areas and minimized conflicts with areas of high known mineral reserves.

BLM RESPONSE: BLM, U.S. Geological Survey, U.S. Bureau of Mines and State of California mineral inventories in the Desert indicate significant mineral deposits with moderate to high potential for development within the foreseeable future. Exploration activities, especially for gold, continue to increase. As noted in the earlier response, it is prudent to consider not just known deposits, but unknown potential deposits as well.

59. ALLEGATION: "Myth 6": Rockhounds will lose access. "Fact": Wilderness areas will remain open, but activities will be regulated; rockhounders will have access up cherrystem roads to 85 percent of wilderness acreage; National Park areas will be closed to rockhounding.

BLM RESPONSE: Rockhounding is a very popular hobby in California, especially among senior citizens. Although it will not be prohibited in wilderness areas, access restrictions will significantly reduce opportunities for enjoyment by elderly enthusiasts. Most rockhounders drive to collecting sites in their camper or mobile home, set up camp and then walk to sites less than a mile, usually only a few hundred yards, away. Samples are collected and carried back to the vehicles. The farther the hike to a site, the smaller the sample than can be carried back to the vehicle and the more trips that are required to collect enough samples. This will lead to a significant reduction in use of a site.

Some of the higher interest rockhounding areas in the desert are located in the proposed Mojave Park. BLM inventory maps identify about 40 separate site areas that would be closed by S.7 in the Mojave Park. Similar impacts are found in the Death Valley/Joshua Tree expansions along with resulting closures.

60. ALLEGATION: "Myth 7": Desert is being adequately protected by BLM Desert Plan. "Fact": Plan has allowed significant degradation by OHVs, careless mining, and road building; plan is inadequate for protecting wilderness, wildlife, cultural resources; plan only provides administrative protection; and has been regularly weakened by plan amendments.

BLM RESPONSE: The desert, in fact, is being adequately protected by the California Desert Plan. More than one-third of all lands under wilderness review were recommended for wilderness designation and about six million acres were designated in the protective "limited" category. Eighty areas, covering 670,000 acres, were designated in the California District as Areas of Critical Environmental Concern. Numerous other examples could be cited to refute this allegation. As for plan amendments, the process is not a means by which the Desert Plan is "weakened," rather it is a process that keeps the plan strong. For a geographic area the size, magnitude, and complexity of the California Desert, the planning process must provide flexibility to meet the dynamic management requirements resulting from unanticipated demands, new information, or in response to future events that were not foreseen at the time of the initial development of the Desert Plan.

The amendment process requires public involvement and environmental review of proposed changes to the plan. Over the last six years, 334 amendments have been proposed. Of these, 197 were rejected. The remaining 137 were analyzed but only 93 were approved. Amendments to the plan include designation of 5 new ACECs in the CDCA (three more were designated in the Desert District, but outside the CDCA boundaries), changes in land sales guidelines to restrict areas in which sales are permitted, a Naval withdrawal in the East San Diego area, and other situations reflecting changing needs. However, these changes reflect the original intent of the plan and continue to adhere to the general guidance of each of the elements of the plan.

61. ALLEGATION: "Myth 8": S. 7 will block all scientific research in the Desert. "Fact": Scientific community vigorously supports the bill; Desert is valuable for research; park and wilderness management will protect these scientific resources.

BLM RESPONSE: The scientific community does not unanimously support S.7; in fact, many members oppose it. Only certain types of research (i.e., those projects not requiring vehicle access or surface disturbance) will be allowed to continue. In addition to the biological diversity, the desert contains high cultural and paleontological values. Archeological research frequently involves digging and other surface disturbing activities. These types of research opportunities would be lost as a result of S.7. In addition, access restrictions on 8.8 million acres of wilderness would limit the opportunities for all kinds of research. Geologic research will be restricted. All geologic research will have to be done by either foot or on horseback which will restrict the extent, the type, and the amount (frequency) of the geologic research, especially the amount and size of samples carried out for further study.

62. ALLEGATION: "Myth 9": Private landowners will be forced to move off their land and State will be forced to give up its lands. "Fact": Most private lands are checkerboard railroad lands and subject to beneficial exchanges; S. 7 states that private lands can't be acquired unless owner willing or land being developed in a detrimental manner to the park; in wilderness areas, owner must consent; State lands can be acquired only by exchange or donation and State is very supportive.

BLM RESPONSE: S.7 would require a state exchange program to acquire some 267,000 acres of state lands in parks and wilderness. This would severely impact the public land exchange base presently identified through the planning process, and disrupt and delay ongoing private exchange efforts. It would undoubtedly be necessary to acquire a large portion of the approximately 400,000 acres of private land affected. Therefore, many private lands will be impacted by S.7. If not forced to move, affected landowners will find their use and access severely constrained, causing hardship to many.

63. ALLEGATION: "Myth 10": S. 7 will be bad for wildlife and will deprive hunters. "Fact": Availability of suitable habitat unmolested by vehicles and humans are most important factor to wildlife; bighorn sheep in particular need large areas of wilderness to survive; most wildlife programs can continue in park and wilderness units; hunting will be allowed on wilderness lands and most hunters welcome additional protection; parks will be closed to hunting.

BLM RESPONSE: Bighorn sheep require large areas of suitable habitat relatively free from disturbance. They do not require wilderness. Since 1980, desert bighorn populations have increased from 3,000 to 4,200 (40%) without wilderness designation. The primary reasons for this are the removal of 20,000 burros and the construction of 45 water developments. Opportunities to continue water development would be reduced in wilderness areas and eliminated in new park units. Maintenance would be reduced or eliminated on 21 of these existing water developments and no new waters would be developed in the parks.

Included in the proposed park additions which would be closed to hunting, is one of two bighorn sheep herds for which hunting was authorized in 1987 for the first time in over 100 years. This is one of the healthiest, most productive herds in the state and is used as the main source of animals to reestablish historic herds in other areas. A single bighorn permit was auctioned for $70,000 in 1987. This money will be used to further enhance bighorn populations. Elimination of limited hunting and capture operations on this herd would reduce the potential for increasing bighorn populations throughout the desert.

The East Mojave also provides some of the best deer and upland game hunting available for a large area. Park establishment would close this area to hunting while wilderness designation in other areas would severely limit hunter access to hunting areas.

64. ALLEGATION: Vehicular access to millions of acres of Desert will not be significantly affected. (Motorized Recreation, p. 38)

BLM RESPONSE: For reasons explained in our response to "Myth 3" (see #56 above), this allegation is misleading. Although the areas proposed for wilderness designation in S.7 are technically roadless, they in fact have numerous "ways" which provide access for numerous recreational and other users. Although many access areas would remain, the impact on desert users would be measurable and would increase in future years.

65. ALLEGATION: S. 7 will close off only about 1,500 miles of ways shown on BLM maps in proposed wilderness; another 1,500 miles of routes will form perimeter roads; and 700 miles of dirt routes have been cherrystemmed into wilderness units. (Motorized Recreation, p. 38)

BLM RESPONSE: S.7 will close over 2,200 miles of quality access routes. This will have a serious effect on existing access for many uses and will concentrate use into other areas.

66. ALLEGATION: The proposed wilderness are the same tracts (few exceptions) BLM identified as roadless WSAs. S. 7 does not include all BLM WSAs and enlarges others. Enlarged boundaries have been carefully checked for suitability. (Are There Roads, p. 39)

BLM RESPONSE: As explained earlier in item number 53, S.7 goes beyond BLM's WSA boundaries in many cases to include public lands which do not meet the criteria for wilderness study areas established in the 1964 Act. Included are a number of areas which BLM dropped following the inventory because they did not possess even minimal wilderness values required by law.

67. ALLEGATION: A total of 836,608 acres is designated as open for OHVs in Plan. Two dunes (South Algodones and Rice Valley) are WSAs and inappropriately opened. Algodones is also in Class L (limited use). (Off-road Play Areas, p. 40)

BLM RESPONSE: The figure is incorrect. The Bureau has about 500,000 acres designated as open for OHV use. The percentage of use in these areas is actually small. Because of low use levels and the fact that their wilderness values are not being impaired, both of the dunes cited are currently open to OHV use. BLM monitors these areas to ensure full compliance with the nonimpairment criteria of the Federal Land Policy and Management Act.

68. ALLEGATION: S.7 would close off 64,230 acres of open areas to OHVs. But 772,378 acres (92 percent) would remain unaffected. (Off-road Play Areas, p. 40)

BLM RESPONSE: The figures cited are inaccurate. S.7 would close 68,000 acres of areas designated as open (i.e., Class I). This would leave only 470,000 acres open.

69. ALLEGATION: S.7 will not significantly impact minerals industry. Boundaries minimize conflicts. (Mining and Minerals, p. 41)

BLM RESPONSE: This is a totally misleading statement. Although S.7 boundaries exclude numerous existing mines, little or no consideration is given to future mineral development potential of the desert. The bill fails to provide for future expansion of existing mines, as ore bodies are depleted, and fails to consider future changes in market and other economic conditions which can change a mineral resource into a mineral reserve virtually overnight.

Contrary to the implications of this statement, numerous mineral resource deposits have been identified within the boundaries of S.7 by the USGS, USBM, BLM and in recent studies by the State of California. Exploration interest is on an increase today in the CDCA, as indicated by submission of over 1,200 mining plans to BLM since 1980. Many of the mineral deposits of potential economic significance are in WSAs, but because of the nonimpairment restrictions imposed by BLM's Wilderness IMP, many major exploration and development plans have been rejected since 1980.

70. ALLEGATION: For 14 minerals considered "strategic" by Office of Technology Assessment, no known reserves, i.e. quantity that can be produced for profit, are in the California Desert. (Mining and Minerals, p. 41)

BLM RESPONSE: Current data, from a number of scientific sources, including U.S. Bureau of Mines and others, indicates there are 24 strategic minerals in the Desert and 3 more are considered critical. Some of these, including rare earths used in emerging superconductor technology, are becoming extremely valuable.

71. ALLEGATION: Current valid claimholders and existing operators will have continued rights to access. (Mining and Minerals, p. 41)

BLM RESPONSE: It is misleading to say that provisions of S.7 will protect all valid existing rights associated with valid mining claims, because several factors are involved which may significantly impede further development of those properties or impede the ability of claims to sustain a discovery due to higher costs of mining. The following is a list of those factors: (1) Added restrictions (as experienced in the establishment of Death Valley National Monument): a) Additional environmental constraints (i.e., severe reclamation requirements requiring extremely high costs); b) Limited access--new access restrictions will require higher costs for transportation of equipment and mined material; c) Limited expansion of existing mine or facilities resulting in early shut-down and loss of financial gain and incentive; d) Limit on type and size of mining equipment resulting in increased costs to the operator. (2) Appropriation of water sources--most mining operations need water to process ore, provide drinkable water for employees, etc. --reduction in water sources will require high costs to import water to the mine or processing site. (3) Limit or reject future exploration activities --resulting in early shut-down and loss of potential financial gain and incentive.

72. ALLEGATION: Desert mined for over 100 years; borates are most valuable commodity. (Mining and Minerals, p. 41)

BLM RESPONSE: In recent years the diverse mineral wealth of the CDCA has shown itself to be a key factor in the future development of Southern California. In the past many mineral sources in the Desert, especially construction materials (sand and gravel, limestone, cinders, building stone) have been too far away from local markets. But, as the urban areas in Southern California expand and local sources are depleted, deposits in the CDCA are becoming the present and future sources of inexpensive raw materials. Also, gold mining is becoming a major industry in the CDCA since the development of heap-leach technology and the rising prices of gold. It is estimated that about 250,000 oz., of gold will be produced from the CDCA in 1987 and that volume will increase to about 300,000 oz., by the close of 1988.

73. ALLEGATION: BLM data indicate 94 percent of borate reserves in the Desert is located in two areas (Boron and Searles Lake), both outside park/wilderness in S. 7. (Mining and Minerals, p. 41)

BLM RESPONSE: The potential for finding new discoveries of borate deposits when existing ones are depleted and development of those discoveries will be significantly reduced by S.7. This is confirmed by recent exploration data. S. 7 would, for example, restrict the ability of U.S. Borax to mine known borate deposits and prevent the exploration of the areas of best borate potential, including an estimated 27 million tons of borate ore outside the current Death Valley Monument boundaries.

74. ALLEGATION: Rare earth reserves outside of Mojave National Park could meet current demand for 140 years. Some patented and unpatented claims do exist within wilderness/park areas. Patented protected under S. 7; unpatented, too, if valid existing rights. (Mining and Minerals, p. 42)

BLM RESPONSE: The discovery of a new type of superconductor materials - (made from rare-earths) capable of transmitting electric current without the resistance that ordinarily wastes energy in the form of heat - has opened the door to a host of futuristic applications. Consequently, these reserves may be depleted very quickly. Moly Corp, the operator of the Mountain Pass Mine, is currently exploring the extent of these reserves.

As for unpatented mining claims, S.7 may have provisions to protect valid existing rights associated with valid mining claims, but several factors are involved which may significantly impede further development of those properties or impede the ability of claims to pass a validity test due to higher costs of mining.

75. ALLEGATION: Boron, Searles Lake and Mountain Pass dominate mineral production, producing two-thirds of output. (Mining and Minerals, p. 42)

BLM RESPONSE: True, however, gold production is on an increase from an estimated 250,000 oz., by the close of 1987 to about 300,000 oz., by the close of 1988.

76. ALLEGATION: Two strategic minerals, tin and manganese, have been produced in small amounts in the Desert in the past. BLM's data indicate there are no current reserves of these or any other strategic minerals. (Mining and Minerals, p. 42)

BLM RESPONSE: Here, again, the definition of a reserve is the key point. Deposits of low economic value today may become economic tomorrow or next year due to highly fluctuating mineral economic conditions. Although there may not be "reserves" of manganese as technically defined, there are numerous mineral resource deposits. Also, since manganese is a strategic mineral, it could be subsidized by the government in case of need.

77. ALLEGATION: Largest single commodity produced in desert is sand and gravel; large quantities are found outside the proposed parks/wilderness. (Mining and Minerals, p. 42)

BLM RESPONSE: This may be true, but the sand and gravel industry must use very local sources because of high transportation costs. The industry is also required to meet strict market specifications of the materials produced. Although the CDCA is covered by a voluminous amount of rock debris and valley fill, only certain deposits can qualify due the above mentioned requirements. This is especially true of highway construction materials needed to repave county and interstate highways and roads. BLM, for example, has four applications on record for sand and gravel deposits in WSA's submitted by CalTrans.

78. ALLEGATION: Without S.7, desert's irreplaceable resources will continue to deteriorate. Plan failed to provide adequate protection. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: The unique natural combination of resources together with its proximity to one of America's largest metropolitan areas motivated Congress to establish the CDCA. The Desert Plan, through the planning process, identified these resources and strategy for the use and protection of these resource values. The multiple use classes provide a general guideline with special designations such as ACECs and wilderness recommendations having more site specific management plans. The plan recognizes that it is unnecessary to lock up large areas and eliminate use of other unique resources, e.g., minerals, to protect site specific values. Under the Desert Plan, BLM's philosophy is to allow a broad diversity of opportunities while ensuring wilderness values are preserved and other special resources are protected. Under S.7, the philosophy appears to be that resources can only be viewed, not managed or wisely conserved.

79. ALLEGATION: Original plan was heavily biased toward consumptive interests. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: The plan certainly cannot be considered biased toward resource consumptive interests when one realizes that over half the land base (65.8%) was designated in 1980 as "to be recommended for wilderness" or as limited use to protect sensitive, scenic, natural, ecological, and cultural values. These two land classes focus management attention to protect sensitive resource values. After six years of planning amendments, fully 66.1% of the land base is within these two limiting/protective land use classes. This led to a court suit from consumptive interests shortly after the plan was completed. The fact that the plan was endorsed by both Republican and Democratic Administrations further indicates that the decisions reflect a balanced public interest.

80. ALLEGATION: Plan has been weakened further by amendments. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: As indicated in the percentages of land presently in the two most restrictive land use classes in item number 79, the amount of protection for sensitive values has actually gone up during the annual amendment process. In addition several new ACECs have been established along with a major change to establish the Coachella Valley Fringe-toed Lizard Preserve. The amendment process has actually strengthened the plan by resolving, on a site specific basis, conflicts among resource users and better defining resources and boundaries for permissible use within the framework of FLPMA. All amendments which are considered have received full public review and advice through the California Desert Advisory Council. This has created a public trust and understanding that consequently has enhanced enforcement efforts.

One final observation on amendments. It is critical to keep in mind the advice of Dr. Harvey Perloff, dean of the School of Architecture and Urban Planning, UCLA and a member of the original Desert Advisory Board: "a plan must be flexible, it must be capable of accepting change. Inflexible plans become obsolete in a relatively short time and usually wind up on the shelf."

81. ALLEGATION: Enforcement of protective elements extremely lax. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: BLM places a high priority on law enforcement. All 22 rangers are highly trained and extremely effective, utilizing public education skills as well as law enforcement authority to control uses in their jurisdiction. In fact, in 1986 alone, these rangers issued nearly 1,000 citations for violations of rules and regulations. The FY 88 Federal budget is proposing to add 20 rangers to the BLM's force.

82. ALLEGATION: Only half of 79 Areas of Critical Environmental Concern have plans completed. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: There are 80 ACECs in the desert and BLM places a high priority within its limited funding capabilities for ACEC plan implementation. At this time, all but two plans will be completed by the end of FY87 and are being implemented at this time. Those uncompleted plans will be finished in early FY88.

83. ALLEGATION: BLM has completed archeological inventories on less than six percent of the Desert. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: This is a correct statement only for formal, intensive (BLM Class III) inventory data. Actual knowledge of archeological/historical sites in the California Desert is two to three times the 6 percent figure. The formal database is expanding at an average of 19,000 acres per year desertwide.

84. ALLEGATION: There are numerous reported cases of vandalism of archeological sites. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: No statistical data on vandalism are available either from current cultural data or from law enforcement data. Several cases have been prosecuted under regulations prohibiting the disturbance or destruction of archeological resources. Data indicate that reported vandalism cases average less than five per year for the thousands of archeological sites located on public land. Our ability to apprehend violators has materially increased with our current law enforcement capability.

85. ALLEGATION: Congressional action is next logical step for desert protection. (Desert Plan Not Enough, p. 43)

BLM RESPONSE: S.7 scuttles years of planning and public participation that cost $8 million and destroys a carefully developed plan that achieves balance among competing users. S.7 is a dramatic and abrupt change of direction from the 1976 Federal Land Policy and Management Act which is currently being carried out by BLM. Congress asked BLM to prepare a plan for the public by 1980 and provide for an annual amendment process that involved the public and the Desert Advisory Council. Additionally, wilderness areas were to be identified in the Desert Plan of 1980 and proposed to Congress following the established planning process.

86. ALLEGATION: S.7 is needed to stop the piecemeal destruction of desert resources. (Desert Plan, p. 43)

BLM RESPONSE: The California Desert is being adequately protected by the California Desert Plan. The Plan is a unique and comprehensive document developed with extensive research, four years of intensive public involvement, and tens of thousands of comments concerning resource values and proper uses of the Desert's resources. It was accepted by conservation interests as a great step forward, nationally recognized by major planning organizations, and approved by both the Democratic and Republican administrations.

Over one-third of all lands under wilderness review were recommended for wilderness designation in the Desert Plan; this in addition to more than 3 million acres already in National Park, National Monument, and State Park protective management. It is also important to note that nearly 6 million acres were designated in the protective "limited" land use class. Together over 65% of the desert, or nearly 8 million acres, was either recommended for wilderness, or given a very high level of protection from potentially damaging uses.

87. ALLEGATION: S.7 is permanent protection; plan has left the areas vulnerable to damage. (Desert Plan Not Enough, p. 44)

BLM RESPONSE: While the proposed legislation would shift management responsibilities for portions of the California Desert from BLM to NPS, there would be no significant change in the protection provided for the sensitive and unique resource values recognized. The California Desert Plan identified these areas as having special characteristics ranging from sensitive resources to unique assemblages of many resource values. As a result of these special characteristics, the areas are managed under the Class C (controlled) and Class L (limited) multiple use classes and the guidelines for the specific elements established in the plan. The Class C areas are "preliminarily recommended" as suitable for wilderness designation by Congress and are currently managed under the BLM's Interim Management Policy guidelines for wilderness to ensure protection of the sensitive resource values. The Class L areas are managed to provide for low intensity, carefully controlled multiple use of resources, while ensuring that sensitive, natural, scenic, ecological, and cultural resource values are not significantly diminished.

Furthermore, by providing "permanent park protection" for these areas, other special resource values that support wildlife, livestock grazing, mining, and recreation opportunities would be lost. No further protection of the sensitive resource values would be provided by the proposed park designations, while opportunities presented by other special resources would be diminished or eliminated. The California Desert Plan provides guidelines for the BLM to manage and protect all special resources within the California Desert.

88. ALLEGATION: Internal documents show that the BLM's Desert Planning Staff found that the Mojave area and several areas adjacent to Death Valley qualified for consideration as national park units. (Desert Plan Not Enough, p. 45)

BLM RESPONSE: The park suitability study was not a final recommendation but a preliminary staff analysis. It was prepared under an agreement with NPS as one of many studies undertaken as part of the desert planning process. The final conclusion by both BLM and NPS was to retain the area under BLM management as a National Scenic Area.

89. ALLEGATION: Plan fails to provide long-term management and protection. (Desert Plan Not Enough, p. 46)

BLM RESPONSE: The Desert Plan does provide long-term management goals, not only for resource protection as mandated by Congress but also for resource uses which were also mandated. These uses include grazing, OHV, and mining. For example, the plan restricts OHV use to approved routes in Class L (5.9 million acres) and designated routes in Class M (3.3 million acres) areas. These restrictions are in place primarily to protect sensitive resources. In comparison, only 500,000 acres of the CDCA has been open to unlimited OHV recreation use and then only in designated areas, again to protect site-specific sensitive resource values.

90. ALLEGATION: The zone system for vehicle access has resulted in sensitive areas being open to OHV use. (Desert Plan, p. 46)

BLM RESPONSE: The zone system has been very successful in protecting sensitive areas. Vehicle access is restricted in both Class C (1.9 million acres) and Class L (5.9 million acres) and controlled in Class M (3.3 million acres). Only in Class I (500,000 acres) is unlimited access allowed.

91. ALLEGATION: President's Council on Environmental Quality pointed out that under all Plan alternatives, including most protective, many desert resources would be subject to serious long-term damage. (Desert Plan Not Enough, p. 47)

BLM RESPONSE: The Council on Environmental Quality is one of dozens of federal agencies that reviewed the plan and provided input. The Council's comments were fully considered in the Plan. The Desert Plan, as approved by the Secretary of the Interior, fully complies with Section 7 of the Endangered Species Act, Executive Orders 11644 and 11989 regarding off-road vehicles, and BLM's Interim Management Policy (IMP) for WSAs. No wildlife species have been eliminated or threatened with extinction. Decisions relating to OHV use considered impacts to sensitive soils. Although some soil loss has occurred, such loss has not been excessive in relation to the benefits from the permitted OHV use.

92. ALLEGATION: Planning staff identified 240 potential ACECs, but only 79 were subsequently designated. (Implementation Flawed, p. 47)

BLM RESPONSE: As a part of the desert planning process, over 240 possible areas, many overlapping, were identified as potential Areas of Critical Environmental Concern (ACECs). As a result of further analysis, the majority of these fell out because they did not contain significant historic, cultural scenic or natural values to qualify as an ACEC and could be adequately protected by a Class C or Class L designation, thus not warranting ACEC designation and planning. On the basis of public input to the draft plan, BLM added 25 ACECs to the final 1980 Desert Plan. Since the Plan's completion five new ACEC's have been established through the Desert Amendment process and three more have been added in the Desert outside the CDCA - more than the total number of ACEC acreages in all other states, bringing the total to 80 ACECs in the Desert.

93. ALLEGATION: By October 1, 1986, only 36 ACECs had a management plan in place; and for 20, no plan had been started. (Implementation Flawed, p. 47)

BLM RESPONSE: As noted earlier (item 82), the status of activity plans as noted is totally inaccurate. All but two plans will be complete by the end of FY87 and all those completed are being implemented at this time. The remaining plans will be complete in FY88.

94. ALLEGATION: One-fourth to one-third of ACECs are not receiving attention of any kind except occasional patrol and monitoring. (Implementation Flawed, p. 47)

BLM RESPONSE: Each plan has its own prescriptions and therefore each plan will have varying degrees or levels of management necessary to provide protection of the resource(s). Therefore, patrol and monitoring may be more than adequate to manage a particular ACEC; while others will require more intensive management. The Bureau will continue to implement these plans over time since management cannot be measured in terms of one final action but needs to be measured in terms of long term commitment. It is important to note that the source cited in the allegation, Charles Callison of the Public Lands Institute and Natural Resources Defense Council, was highly complimentary overall to BLM ACEC efforts in California.

95. ALLEGATION: Secretary of Interior is not protecting wilderness as required by law; many new and expanded land uses being allowed, causing damage. (Implementation Flawed, p. 47)

BLM RESPONSE: The Wilderness Interim Management Policy (IMP) permits actions which do not impair wilderness values, provided that any impacts are reclaimed to the point of being substantially unnoticeable by the time the Secretary transmits his recommendations to the President. BLM has authorized 555 actions since 1980 in the California Desert. All these actions received full environmental analysis before being approved. To ensure that the public is kept informed of any prospective actions, the Secretary has directed BLM to notify interested parties prior to authorizing any IMP action, and when practicable, provide 30 days for public comment. BLM also maintains a rigorous IMP monitoring and surveillance program, which includes inspecting each WSA at least monthly and more frequently during high use seasons, and maintaining detailed logs of IMP monitoring/surveillance. BLM has 22 uniformed Desert Rangers on the ground, as well as other BLM resource specialists and other staff who assist in WSA monitoring/surveillance.

In the instances when unauthorized activities occur (68 have been reported since 1980--most are minor), BLM acts promptly to halt the unauthorized action and repair any damage. Given the fact that pressures on the desert are increasing, and that we are responsible for 5.6 million acres of WSA lands distributed over an area one-quarter the size of California, the low number of IMP violations is evidence of BLM's sound management and the public's respect for these areas.

96. ALLEGATION: BLM is devoting inadequate personnel and budget to enforce even the weak policies in WSAs. (Implementation Flawed, p. 47)

BLM RESPONSE: BLM budgeted $480,000 in FY 1986 and $427,000 in FY 1987 for interim management in California. Eighty percent of these funds were allocated to the CDCA. Twenty-two uniformed Desert Rangers are on patrol in the desert. While the area is vast, BLM has been able to keep the significant violations to a minimum. Of the 68 reported unauthorized actions in seven years, 16 are considered major and half of those have already been reclaimed.

97. ALLEGATION: BLM is failing to aggressively prosecute violators. (Implementation Flawed, p. 47)

BLM RESPONSE: BLM aggressively enforces laws and regulations. In the CDCA over 1,000 citations on the average are issued yearly by Desert Rangers. Many of these are for OHV violations. BLM works with the U.S. Attorney to prosecute violators when necessary.

98. ALLEGATION: BLM has failed to ensure compliance with mandated stipulations for surface reclamation in WSAs. (Implementation Flawed, p. 47)

BLM RESPONSE: BLM has adopted procedures to ensure reclamation standards are met by the time the Secretary submits his recommendations to the President (June 30, 1989). Of the 550 actions authorized since 1980, 118 have so far been reclaimed. Of the 432 other actions, many will not require any reclamation as they did not cause any surface disturbance. BLM also requires a bond on all actions involving potential surface disturbance. Further, no new actions causing surface disturbance will be authorized after June 30, 1989, except for valid existing or grandfathered rights.

99. ALLEGATION: Classification/zone system has failed to provide sufficient protection for desert's resources. (Implementation Flawed, p. 48)

BLM RESPONSE: The classification/zone system has been very successful in providing protection. The multiple use classifications provide the overall management directions which guide the kind of degree of use which may occur in a particular geographic area. Additionally, 12 plan elements that focus on individual resource values and users provide more specific application or interpretation of the multiple-use class guidelines. These elements address additional guidance, conflict resolution, stipulations, and mitigation. The management zone classification system and the specific plan elements are designed tc provide management/direction and protection of sensitive resources. Together, these components of the Desert Plan have more than adequately provided protection for the desert's sensitive resource values.

100. ALLEGATION: Boundaries of management zones were drawn without concern for ecological systems. (Implementation Flawed, p. 48)

BLM RESPONSE: Development of the California Desert Plan included a comprehensive inventory of resource values in 106 geographic subdivisions of the desert. These 106 planning units form the basis of the boundaries of management zones. In order to establish recognizable boundaries that reflected many overlapping resource values and public concerns, geographic features and, in many cases, roads delineate the management zones.

101. ALLEGATION: There is too little management guidance for each class; there is not enough distinction between allowed uses. This has resulted in inappropriate activities being allowed, e.g. areas in limited class have been opened for unrestricted OHV use. (Implementation Flawed, p. 48)

BLM RESPONSE: The multiple use classifications provide the overall management direction which guides the kind and degree of use which may occur in a particular geographic area. Additionally, 12 plan elements that focus on individual resource values and uses provide more specific application or interpretation of the multiple use class guidelines. These elements address additional guidance, conflict resolution, stipulations, and mitigation. While a resource value such as critical habitat may transcend management zone boundaries, the plan elements, particularly wildlife, reflect those values and provide the consistency and stability necessary to afford appropriate management, including protection. As a result, the broad management guidance provided for each management class is supplemented by the specific plan elements that clearly distinguish what is allowable or appropriate use for each activity.

102. ALLEGATION: Areas within limited class have been opened for unrestricted OHV use. (Implementation Flawed, p. 48)

BLM RESPONSE: The example of areas within "limited" class management zones being opened for unrestricted OHV use is misleading. Generally, OHV use within the "limited" class management zones is restricted to approved routes of travel that meet specific criteria relating to use, alternative routes, and potential adverse impacts. However, certain areas, such as the Imperial Sand Dunes, are open to vehicular travel regardless of the multiple use class because routes of travel cannot be readily delineated. Special monitoring requirements are established to manage resources values in these areas.

103. ALLEGATION: Net effect of six years of amendments has been to exacerbate plan's shortcomings and leave land vulnerable to damage. (Plan Amendments Weaken, p. 49)

BLM RESPONSE: The desert, in fact, has a framework adequate for protection through the California Desert Plan. As for plan amendments, the process is not a means by which the Desert Plan is "weakened," rather it is a process that keeps the plan strong. For a geographic area the size, magnitude, and complexity of the California Desert, the planning process must provide flexibility to meet the dynamic management requirements resulting from unanticipated demands, new information, or in response to future events that were not foreseen at the time of the initial development of the Desert Plan.

The amendment process requires public involvement and environmental review of proposed changes to the plan. Over the last six years, 334 amendments have been proposed. Of these, 197 were rejected. The remaining 137 were analyzed but only 93 were approved. Amendments to the plan include designation of 5 new ACECs (3 more have been added in the Desert District, but outside the CDCA boundaries), changes in land sales guidelines to restrict areas in which sales are permitted, a Naval withdrawal in the East San Diego area, and other situations reflecting changing needs. However, these changes reflect the original intent of the plan and continue to adhere to the general guidance of each of the elements of the plan.

104. ALLEGATION: Example: Barstow to Las Vegas Race. Halted in 1975 because it was too damaging; 1982 amendment reactivated it, allowing 1,000 motorcycles to traverse WSA and Scenic Area. Now moved to avoid WSA, but still degrades the race course area. (Plan Amendments Weaken, p. 49)

BLM RESPONSE: This statement implies an unplanned, prolific event which is not based on the facts or legal review. The B to V race is managed through the permitting process and has with it a set of stipulations which address the resource concerns. This permit, supported by a comprehensive environmental impact statement, has been sustained by the courts as having addressed the environmental issues without creating unnecessary damage. The courts found the route to be acceptable as a whole and is a well-controlled event.

105. ALLEGATION: Example: Expansion of width of routes. Plan originally limited parking and camping to 100 feet of road. 1982 amendment expanded this to 300 feet. In effect, this expanded impact of each mile or road way from 24 acres to 72 acres, or more than a million acres Desert-wide. (Plan Amendments Weaken, p. 49)

BLM RESPONSE: This 300-foot width is being carefully monitored and adjusted wherever warranted. Although this amendment increased the amount of land vulnerable to damage, the increase in actual damage has not been great and there were sound management reasons for the change. Since the damage from parking and camping along roads is now dispersed over a larger area, impacts on a given area (i.e., the original 100 feet) are reduced. The primary rationale for the amendment is the fact that desert users need an area which allows camping in a circle, not a line to permit them to escape dust and roadside danger. The 100-foot restriction was too restrictive. Distances up to 1,000 feet were considered. Three-hundred feet corresponds to a compromise reached in 1972, but not included in the Desert Plan. Within sensitive areas such as ACECs, BLM has reserved the right to specify a narrower camping corridor and prohibit camping where appropriate.

106. ALLEGATION: Example: Opening Panamint Dunes. 1982 amendment opened portion of Panamint Dunes to use. Originally BLM recommended opening 2,400 acres, despite area recommendation for wilderness. That was scaled back to 500 acres. Conservation groups appealed and Interior Board of Land Appeals reversed BLM's decision. (Plan Amendments Weaken, p. 49)

BLM RESPONSE: The Bureau, through the plan amendment process, did propose to open Panamint Dunes to permit use on a limited basis. This was in response to a request by Inyo County, in settling a lawsuit against the Desert Plan, that BLM be consistent with its county plan which called for at least one dunes system in the northern Desert be open. The Interior Board of Land Appeals, in response to an appeal, overturned the proposal. The area has remained closed.

107. ALLEGATION: Example: Reversal of Wilderness Recommendations. BLM has reduced suitable wilderness recommendations by 239,523 acres through amendments involving eight WSAs. (Plan Amendments Weaken, p. 50)

BLM RESPONSE: Several wilderness amendments in the 1981 and 1982 period were intended to be a further refinement of preliminary BLM decisions. The changes referred to were based on new data, reconsideration of existing data, and a response to public opinion. The changes and alternatives were analyzed in a draft and final environmental impact statement, and represent about a 10 percent decrease in the area recommended suitable (from 2.1 to 1.9 million acres).

For each WSA the Record of Decision gives the rationale for the change. For example, the rationale for the changes for the Nopah Range (WSA 150) is: "Mineral potential is medium to high in this area, particularly for borates. All of the borate production in the U.S. comes from the CDCA, and a majority of that from deposits near Boron. Boron's deposits have an expected life of 25 years; after that time, future borate requirements would need to be met by areas such as this. While it is a rather large area, it lies on the periphery of the WSA, and would not result in an unmanageable wilderness."

The largest area dropped was Sheephole/Cadiz (WSA 305) which had been impacted by World War II military maneuvers and lacked wilderness qualities. The subsequent environmental impact statement was neither protested or appealed. Finally, the list in the allegation should have included the fact that the recommendation for the 6,678-acres Morongo WSA was changed from nonsuitable to suitable.

108. ALLEGATION: Example: Deletion of 47,520 acres of East Mojave National Scenic Area. BLM decreased acreage to allow more mining development. BLM promised permanent protection in 1980 Plan. (Plan Amendments Weaken, p. 50)

BLM RESPONSE: The plan was amended in 1982 to delete the Mountain Pass area totaling 47,520 acres. This deletion did not change any multiple use classes but included a highly mineralized area presently being mined by Moly Corp. The area contains an estimated 60% of the world's rare earths. It is now outside the EMNSA and not considered under S-7 for park status. S.7 proponents are quick to point out that this mine is not included in park proposal, yet turn around and criticize BLM's logical amendment.

109. ALLEGATION: OHV users inflict immense damage on plant and animal life, soils, archeological resources, and air quality. (Impacts of OHVs, p. 51)

BLM RESPONSE: The use of the term "immense" is not quantifiable and alludes to uncontrolled use in the desert that does not exist. This is a gross exaggeration of the facts.

110. ALLEGATION: Scientists have warned that OHVs, if not controlled, have potential to completely alter the vegetation and landscape of Desert. (Impacts of OHVs, p. 51)

BLM RESPONSE: OHV use is being controlled by the Desert Plan and many in the scientific community endorse BLM's efforts. In fact, BLM has, over the past 20 years, closed substantial portions of the Desert to OHV use. In many cases, areas are being closed to protect vegetation and other special values or managed to sustain use without continuing resource damage. In fact, the Bureau has not opened any "new" areas even as a result of the Desert Plan. In addition, it is important to remember that millions of acres in the Desert are not even appropriate or desirable for OHV recreation because of terrain, rocks, or hazards.

111. ALLEGATION: In less than 20 years of use, OHVs have scarred one million acres of public lands in desert. (Impacts of OHVs, p. 52)

BLM RESPONSE: This allegation is totally unsupportable, as explained in number 1. Only 60,000 acres have been substantially affected by OHV use. Areas often cited as damaged are the Antelope and Victor Valleys, which happen to be mostly private, not BLM public lands.

On public lands, the total open area is only about 500,000 acres and a relatively small percentage of the land surface is actually affected. Elsewhere, vehicles are confined to existing or designated routes to minimize impacts to the land. Competitive events, once a threat to the desert, are now well under control, subject to careful environmental analysis, monitoring, and mitigation.

112. ALLEGATION: Moderate OHV use reduced vertebrate biomass by 60 percent. Animal loss rose to 75 percent in heavily used areas. (Impact on Wildlife, p. 52)

BLM RESPONSE: Concentrated OHV use does indeed impact wildlife in the immediate vicinity. However, these impacts diminish rapidly with distance from the race course or road. OHVs are a legitimate land use which will continue in the desert with or without S.7. BLM's Desert Plan controls OHV use and open areas. Race courses have been designed to minimize the impacts to wildlife throughout the desert. It is better to have heavy impact on a small percentage of the desert than light to moderate disturbance over the majority of the desert. The result has been a general increase in wildlife species diversity and numbers overall.

113. ALLEGATION: Barstow to Las Vegas race reduced small rodent population, i.e. ground squirrels and kangaroo rats, by 90 percent in race area. (Impact on Wildlife, p. 52)

BLM RESPONSE: The 90 percent reduction was on the race course itself, immediately following the event, which covered 152 linear miles and only 800 acres. Again, this sort of impact, fully analyzed in the environmental statement process, is to be expected on intensive use areas. The effect on desertwide populations is insignificant.

114. ALLEGATION: Small desert mammals burrow into ground to escape heat; animals are maimed or killed when OHVs pass overhead; burrows are destroyed; soil is compacted so they can't build burrows. Kangaroo rats survive on acute hearing; noise from OHVs bursts eardrums. (Impact on Wildlife, p. 52)

BLM RESPONSE: It is conceivable that a kangaroo rat's eardrums might be ruptured by noise from an OHV passing within a foot or two of the animal. However, it is more likely that individual kangaroo rats would move before the OHVs came close enough. Although we are not aware of any documented cases of such injuries, there may have been a few isolated cases where the kangaroo rat was sick or injured and could not escape. In any case, ruptured eardrums due to noise from OHVs does not have any documented effect on kangaroo rat populations in the California desert as a whole.

115. ALLEGATION: Desert tortoise is vulnerable to wheels of passing OHVs. Animals breed slowly and OHV impacts can destroy breeding capacity. (Impact on Wildlife, p. 52)

BLM RESPONSE: BLM has established a 16,000-acre Desert Tortoise Natural Area to protect one of the densest known populations of this species. In addition, the CDCA Plan designated six areas within identified tortoise crucial habitats as areas for long range management. Since 1980 two more planning areas have been designated. Three areas comprising a total of 122,000 acres, including private lands, where tortoise densities are particularly high and/or where habitats are of particularly high quality, were designated as Areas of Critical Environmental Concern (ACECs). Five additional areas comprising a total of 1,509,000 acres were designated as Desert Tortoise Crucial Habitat Management Areas. Special, intensive management of all these tortoise areas is ongoing.

116. ALLEGATION: OHV use scares shy animals like bighorn sheep away from watering holes. (Impact on Wildlife, p. 52)

BLM RESPONSE: OHVs do not significantly conflict with bighorn sheep. OHV use in the vicinity of bighorn sheep waters is light. The majority of the rugged habitat used by bighorn sheep is not suited to OHV use. Desertwide bighorn populations have increased 40% since 1980. This has been the result of burro removal and increased water developments which would not continue in many of the more important bighorn areas under the proposals of S.7.

117. ALLEGATION: Meadowlarks and other ground nesters are vulnerable to OHV use in nesting season, which is the peak season for motorcycle use. (Impact on Wildlife, p. 52)

BLM RESPONSE: Ground nesters are definitely more vulnerable to OHV impacts than arborial or subterranean species during the nesting season. However, these species occur throughout the desert.

118. ALLEGATION: Moderate OHV use reduces shrubs by 50 percent; heavy OHV use resulted in 70 percent decline. In areas where OHVs congregate, biomass was reduced 95 percent. (Impact on Vegetation, p. 52)

BLM RESPONSE: The basis of these percentages is a 1977 study of 16 sites in the California Desert. The 16 sites were located in only 4 areas of the western Mojave Desert. Eight of the 16 sites were undisturbed and served as controls. The 4 areas chosen for the study were not randomly selected; rather, they were selected because of open concentrated OHV use. Problems of study design aside (such as the absence of control sites that were truly comparable to OHV-impacted sites), the fact is that the total vegetation disturbed by OHV activity in the CDCA as a whole is very small. In a study done in 1980 for the Desert Plan by Dr. P. Rowlands, a botanist now with the Death Valley National Park, and Dr. J. Adams, a soils scientist, based on extensive review of aerial surveys, it was estimated that at most one half of one percent or about 60,000 of the 12 million acres of the CDCA "have been impacted by OHVs in some form or another." The scientists considered this a "a worse case analysis:" they concluded the actual acreage disturbed was probably much less.

119. ALLEGATION: Common shrub, creosote, is frequent victim of OHV damage. Once damaged, takes decades to recover; some creosote rings date back to ice age; one OHV race cut a swath 3 to 6 feet through 3 miles of virgin creosote bushes. (Impact on Vegetation, p. 53)

BLM RESPONSE: Creosote bush is extremely common in both the Mojave and Colorado Deserts of California and throughout the Southwest. In relatively few areas of the CDCA does it form clonal rings. The most significant of these clones are recognized as unusual plant assemblages (e.g., in Johnson and Lucerne Valley) or have been designated by BLM as Areas of Critical Environmental Concern (e.g., Soggy Dry Lake), and thus receive protection through the Desert Plan.

Elsewhere, the loss of a few creosote bush plants is not worthy of the level of concern given in the above paragraph. A "three to six foot swath three miles long" would total less than one acre. Assuming a density of about 96 plants/acre in undisturbed sites (an average of the figures given in Bury, Luckenback and Busack, 1977, for control areas in the western Mojave Desert), this degree of disturbance would translate into a loss of slightly more than 50 plants. Given the many millions of creosote bush plants in the CDCA this hardly seems significant.

120. ALLEGATION: OHV use helps to spread alien plant species into new areas.

BLM RESPONSE: Although the spread of alien plant species by OHVs is certainly possible, it is doubtful that much of this spread is attributable to OHV use. Most of California's exotic, naturalized plants were introduced into the state in the 18th and 19th centuries, usually as unwanted travelers on the coats of domestic animals or in the seed of cultivated plants. Russian thistle, for example, was introduced into the U.S. in 1873 or 1874 in flaxseed brought from Russia and sown in South Dakota. Tamarisk (salt cedar) was brought from Persia and spread as an ornamental long before OHV use became prevalent. Yellow mustard spread throughout California by the Spanish missionaries.

Weed species typically have very efficient mechanisms to facilitate seed dispersal. Hooks and barbs on seeds serve to spread plants over large areas on the fur of animals. Animals also assist in dispersing seeds contained in fruits that they consume and only partially digest. Other seeds have wings and plumes which assist their dispersal by wind. Still others, even those without special mechanisms, are readily dispersed by water. The Russian thistle is a classic example of a "tumbleweed," a plant that breaks off at ground level upon maturity and is carried along by the wind, scattering its seeds along the way. Because most of California's alien plants are well adapted to dispersal through natural means, it is unfair to assign much blame to OHVs for their spread.

121. ALLEGATION: OHV use can cause tremendous erosion damage. In Jawbone Canyon, an open OHV area, soil mantle has been entirely removed and bedrock is literally being quarried by OHV passage. (Impact on Soils, p. 53)

BLM RESPONSE: While this area is severely impacted, most of the desert is not. Free play areas have been established with the knowledge that heavy use will cause some local impacts. By confining such use to a few small areas the majority of desert resources can be protected while still being available for less concentrated OHV use.

122. ALLEGATION: OHV use compacts soil; compacted soil can't absorb water as quickly, causing runoff and erosion; compacted soil is difficult for plant roots to penetrate; compacted soil loses insulating ability. (Impact on Soils, p. 53)

BLM RESPONSE: Compaction of soil is indeed a problem. However compaction varies greatly depending on the type of soil with dry coarse soils such as sand dunes being the most resistant soils to compaction. It has been found that tracks created by one or a few passes by vehicles tend to have little or no compaction. Repeated heavy use is required to cause moderate or greater compaction. In evaluations done in and near high use areas such as free play pit areas it has been found that only 8-14% of the heaviest use areas have severely compacted soils. In the remainder of the free play area severe compaction occurs on only about 5% of the area. These free play areas receive much greater use than other areas of the desert and while compaction will occur anywhere repeated vehicular traffic occurs, the amount of area impacted is small in relation to the area which is unaffected.

123. ALLEGATION: Soil erosion causes air pollution. A single one-day motorcycle race in 1974 produced more than 600 tons of airborne dust. Santa Ana windstorms of 1973 originated from area denuded of vegetation by heavy OHV use. (Impact on Air Quality, p. 53)

BLM RESPONSE: Dust emissions occur in areas of intensive use, which is only slightly more than 1% of the entire CDCA. Even in areas where fugitive dust occurs, total suspended particulate (TSP) values return to normal within 48 hours. TSP measurements may approach background values in less than 100 meters upwind of the event. The rest of the allegation is unsupported by scientific data.

124. ALLEGATION: The desert is rich with Indian Rock art and intaglios. Almost all of known intaglios have been criss-crossed with OHV tracks. (Impact on Cultural Resources, p. 54)

BLM RESPONSE: BLM data on cultural site damage support a diminished rate of site damage since 1980. Current inventories suggest that fewer sites are vandalized than was originally suspected. Since original inventory data were for areas easily accessed, they showed the levels of vandalism to a higher degree. Current data on the intaglios, based on the National Register of Historic Places nominations by the State of California, do not support the statement that "most" of the giant intaglios have been crisscrossed by the tracks. One of the few documented cases is the Yuha Geoglyph, which was vandalized in 1975 and has since been re-fenced by BLM to protect it.

125. ALLEGATION: Other archeological resources are unknowingly damaged by OHV use. Some just below the desert surface and can be easily destroyed or disturbed. (Impact on Cultural Resources, p. 54)

BLM RESPONSE: Current Bureau scientific inventory data from OHV open areas in the Barstow Resource Area indicate that archaeological values can and have survived with considerable integrity. The cumulative damage to cultural resources in the CDCA is not yet quantifiable and appears less than predicted prior to 1980.

126. ALLEGATION: Threat to cultural resources is that OHVs provide easy access to remote, self-protecting archeological sites. (Impact on Cultural Resources, p. 54)

BLM RESPONSE: While OHVs have the potential to increase access to cultural resource values, our data do not support that allegation. Increased law enforcement and an increased field presence have limited this resource threat. In fact, concerns over vehicular access was the principle factor for creation of the CDCA and the Desert Plan. BLM's route designations and closures where appropriate have reduced the incidents of vandalism. In some cases, such as Squaw Springs, BLM has closed access. In other cases, like Corn Springs, BLM decided to provide interpretation at the site so the public can more appreciate these values. However, the truth is that some vandalism occurs on all lands regardless of management agency or owner.

127. ALLEGATION: Secretary of Interior's policies are failing to protect wilderness resources as required by law. (Failure to Protect, p. 55)

BLM RESPONSE: The Wilderness Interim Management Policy (IMP) permits actions which do not impair wilderness values, provided that any impacts are reclaimed to the point of being substantially unnoticeable by the time the Secretary transmits his recommendations to the President. BLM has authorized 555 actions since 1980 in the California Desert. All these actions received full environmental analysis before being approved. To ensure that the public is kept informed of any prospective actions, the Secretary has directed BLM to notify interested parties prior to authorizing any IMP action, and when practicable, provide 30 days for public comment. BLM also maintains a rigorous IMP monitoring and surveillance program, including inspecting each WSA at least monthly and more frequently during high use seasons, and maintaining detailed logs of IMP monitoring/surveillance. BLM has 22 uniformed Desert Rangers on the ground, as well as other BLM resource specialists and other staff who assist in WSA monitoring/surveillance. In the rare instances when unauthorized activities are discovered (68 have been reported since 1980--most are minor), BLM acts promptly to halt the unauthorized action and repair any damage. Given the fact that pressures on the desert are increasing, and that we are responsible for 5.6 million acres of WSA lands distributed over an area one-quarter the size of California, the low number of IMP violations is evidence of BLM's sound management and the public's respect of these areas.

128. ALLEGATION: If policies continue, only a few WSAs will remain in wild condition; thus degradation is eroding prerogative of Congress to decide which WSAs should be designated wilderness. (Failure to Protect, p. 55)

BLM RESPONSE: All WSAs will be in substantially the same condition as when inventoried. Any impacts resulting from authorized or unauthorized actions must be reclaimed by June 30, 1989. Wilderness advocates are grossly exaggerating the amount of impairment that has occurred in WSAs. BLM has had only 16 major unauthorized actions since 1980 and of these 8 have had reclamation initiated or completed. The majority of the unauthorized actions have caused little or no surface disturbance. Examples include illegal firewood cutting, driving motorized vehicles off approved routes, and unauthorized landing of aircraft.

129. ALLEGATION: BLM fails to provide adequate personnel and budget to enforce even weak policies. (Failure to Protect, p. 55)

BLM RESPONSE: BLM budgeted $480,000 in FY 1986 and $427,000 in FY 1987 for interim management in California. Eighty percent of these funds were allocated to the CDCA. Twenty-two uniformed Desert Rangers are on constant patrol. While the area is vast, BLM has been able to keep the significant violations to a minimum. Of the 68 reported unauthorized actions, 16 are considered major and half of those have already been reclaimed.

130. ALLEGATION: BLM fails to aggressively prosecute violators. (Failure to Protect, p. 55)

BLM RESPONSE: BLM aggressively enforces laws and regulations. In the CDCA over 1,000 citations on the average are issued yearly by Desert Rangers. Many of these are for OHV violations. BLM works with the U.S. Attorney to prosecute when necessary.

131. ALLEGATION: BLM fails to ensure compliance with mandated stipulations for surface reclamation. (Failure to Protect, p. 55)

BLM RESPONSE: BLM has adopted procedures to ensure reclamation standards are met by the time the Secretary submits his recommendations to the President (June 30, 1989). Of the approximately 550 actions authorized since 1980, 118 have been reclaimed. BLM also requires a bond on all actions involving potential surface disturbance. Further, no new actions causing surface disturbance will be authorized after June 30, 1989, except for valid existing or grandfathered rights.

132. ALLEGATION: Secretary Hodel in 1985 reported 1900 authorized and unauthorized disturbances in 575 BLM WSAs; BLM reported 260 disturbing activities in 91 of the 137 WSAs in the Desert; 200 were authorized under nonimpairment policy and 60 were unauthorized. (Failure to Protect, p. 55)

BLM RESPONSE: The correct numbers of authorized and unauthorized actions reported for California Desert WSAs is included in responses No. 95, 127, 128. It is important to note that dozens of proposed actions have been modified or disapproved. Given the fact that pressures on the desert are increasing, and that BLM is responsible for 5.6 million acres of WSA lands distributed over an area 1/4 the size of California, the low number of IMP violations is evidence of BLM's sound management and public respect for these areas.

133. ALLEGATION: Secretary Hodel, in defense of his weak policy, noted that none of BLM WSAs had yet been disqualified for wilderness study as a result of surface disturbances. (Failure to Protect, p. 55)

BLM RESPONSE: It is true that no WSA has been disqualified as a result of new surface disturbance, and all WSAs will be in substantially the same condition when Congress acts as they were when inventoried.

134. ALLEGATION: Secretary's weak nonimpairment policy was proposed for further weakening by BLM California State Director in June 1986 when he submitted memo recommending extending the deadline for reclamation until two years after Congress acts to designate as wilderness and recommending limited reclamation of disturbances in areas not designated wilderness. (Failure to Protect, p. 55)

BLM RESPONSE: The briefing book misrepresents the California State Director's memorandum as giving a low priority to reclamation. In fact, the memorandum proposed a number of alternatives in order to resolve an apparent contradiction between the reclamation policy and Section 603 of FLPMA. 603(c) states that "...unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review ..." Congress would not have authorized this appropriation without contemplating the associated exploration and development that is assumed under the rights granted to mining claimants. The June 27 memorandum was a common sense proposal for dealing with the areas being recommended nonsuitable. Our intention was to avoid a de facto withdrawal of about 3.7 million acres from mining operations, when chances are the lands may by returned to multiple use after decisions are made on wilderness. In other words, to require the miners to reclaim disturbed lands before Congress concurs with the "unsuitable" recommendations may not be a practical or realistic approach to take. Of course, it was recognized that some presently recommended "unsuitable" areas could ultimately be designated "wilderness" by the Congress and these areas would require immediate steps to bring reclamation.

The Director did not approve the proposal, and the idea was dropped. California offices never departed from existing Bureau policy.

135. ALLEGATION: Secretary's nonimpairment definition allows new land uses to cause degradation of existing wilderness values so long as entire WSA is not degraded to the point of disqualification. (Interior's Interpretation, p. 57)

BLM RESPONSE: The policy allows no degradation whatsoever. Only temporary impacts are permitted, subject to complete reclamation by the time the Secretary's recommendations are transmitted to the President. All WSAs will retain their wilderness values.

136. ALLEGATION: Policy does not require restoration of original conditions. Rather, it requires rehabilitation to substantially unnoticeable standard. (Interior's Interpretation, p. 57)

BLM RESPONSE: As a practical matter, it would be impossible to restore the original condition in many desert environments. The interim management policy takes a more reasonable approach in assuring that 1) topsoil is replaced; 2) land is contoured to a natural appearance; and 3) plant cover is restored to the point where natural succession is occurring. The Secretary's policy has not changed substantially regarding restoration or rehabilitation since 1979.

137. ALLEGATION: Secretary's weak policy fails to meet FLPMA requirements by allowing new uses in BLM WSAs even if they are incompatible with wilderness or result in degradation of existing wilderness values. (Interior's Interpretation, p. 57)

BLM RESPONSE: On the contrary, the policy allows only nonimpairing actions in WSAs, subject to complete reclamation. Even valid existing and grandfathered rights which are not subject to the nonimpairment standards, may not cause unnecessary or undue degradation of wilderness values.

138. ALLEGATION: Policy robs Congress of opportunity to consider wilderness candidate lands on the merits of their existing qualities and values. (Interior's Interpretation, p. 57)

BLM RESPONSE: Not true. Wilderness values will be protected unequivocally on all WSAs, giving Congress every opportunity to consider wilderness candidate lands on the merits of their inventoried values.

139. ALLEGATION: Mecca Hills -- BLM approved a mining plan that would remove an entire ridge from the Mecca Hills WSA by excavating 150,000 tons of material per year. (Case Examples, p. 58)

BLM RESPONSE: The "ridgeline" referred to is a small, 1-acre hillock sitting some distance from the descending ridgeline. The example cited was included in an original proposal which was rejected by BLM. The applicant appealed. BLM required substantial modification of the plan of operation. The area involved is a contiguous corner in the furthermost boundary of the WSA. It is adjacent to a road, a canal, orchards, and a gravel plant. Under the revised proposal, the conical-shaped 1-acre hillock would be removed down to the level of the surrounding washes and flat. The hillock has no vegetation. The area can be recontoured to match surrounding washes. The "150,000 tons of material per year" is erroneous, since only the small hill would be removed and part of it is on private land.

140. ALLEGATION: Pahrump Valley -- A mine operator had constructed an authorized road into the Pahrump Valley WSA. (Case Examples, p. 58)

BLM RESPONSE: BLM acted properly in authorizing a legitimate mining activity. The miner, however, violated the approved plan of operation by constructing the unauthorized road. Numerous attempts to work with the operator resulted in frustration and BLM finally had to pursue criminal penalties. Legal actions are in the hands of the U.S. Attorney. The $1,200 bond was required for the authorized work. It was never intended to cover unauthorized activities. The unauthorized 3.5 miles of road will potentially cost the mine operator $7,500 for reclamation.

141. ALLEGATION: Indian Pass -- Under the guise of operating a mine with no approved plan of operations, the Trantula (sic) Mining Club has been using Indian Pass WSA as a fishing camp with the site littered with a garbage dump, trailers, and other equipment. (Case Examples, p. 59)

BLM RESPONSE: The Trantula mining claim is a pre-FLPMA claim, meaning the claim existed prior to passage of the Federal Land Policy and Management Act and therefore prior to the area's being designated a WSA. Under the law, these claims are afforded grandfathered rights that cannot be greatly restricted except through a formal, extensive, and expensive (to the government) legal contest action. BLM does have the operator's proposed plan of operations on file, received in October 1985. In November 1985, per Secretary Hodel's policy, BLM notified environmental groups and others of the proposed plan. Because of BLM concerns about equipment and activities at the site not related to mining, the plan has not been approved. BLM has been investigating the claim to ascertain use. BLM expects the outcome to result in removal of all equipment and facilities not directly related to mining, including the trailers, garbage dump, and other uses. BLM estimates the cost of reclamation to be between $3,000 to $5,000.

142. ALLEGATION: Avawatz Mountains -- BLM authorized Ben-Sar, Inc. to dig 10 open pits and remove material from each by backhoe and dump truck, driven off-road, saying such activities would not impair the areas wilderness values. (Case Examples, p. 59)

BLM RESPONSE: The 10 "open pits" indicated above actually constitute a 6-foot square hole, 3 feet deep, dug in a scattered out wash, plains area consisting of sand and cobblestones. Such diggings, in this particular area, would recover quickly because of rainstorms and active wind action that blows over the area constantly, thus leaving no visible impact. On November 12, 1986, BEN-SAR, Inc. indicated it has elected to abandon its plan of operation for these mining claims.

143. ALLEGATION: Surprise Canyon -- An unauthorized road was built inside the Surprise Canyon WSA. (Case Examples, p. 60)

BLM RESPONSE: Surprise Canyon's "unauthorized road" actually is an existing "old skid road" located on the site prior to the passage of FLPMA in 1976. The road work extended approximately 200 feet into the WSA along the original "old skid road." The mine operator filed a mining plan to drill one hole. As of July 14, 1987, no work had been done.

144. ALLEGATION: Inyo Mountains -- BLM was forced to spend $12,000 to remove hazardous waste from an abandoned mining operation. In addition, there was a significant surface disturbance, including bulldozed equipment pads and a road. (Case Examples, p. 60)

BLM RESPONSE: A great deal of agency effort has been expended to manage the mining use at the Keynot mine. The first plan of operations submitted by the operator requested permission to build a nine-mile road. It was denied. A second unacceptable plan was submitted and withdrawn. A third and fourth plan were submitted and approved. These plans required use of water to be obtained from various sources, including a flooded mine shaft upstream from the mine. Both plans were rescinded. The fourth plan was appealed and is presently before the Interior Board of Land Appeals (IBLA). This plan called for reworking the old mine tailings. BLM required that all equipment be brought in by helicopter to the site.

Both the Lahontan Regional Water Quality Control Board and the Inyo County Planning Commission required bonds of $65,000 and $50,000 respectively prior to commencement of operations. BLM's policy in California is to require bonds when hazardous materials are used. However, in accordance with regulations, BLM does not require duplicative bonding when bonding by state or county agencies cover concerns for the non-mineral resources. Actual mining operations never began, therefore no bonds were ever submitted. In response to a Lahontan Regional Water Quality Control Board order, BLM removed hazardous materials which were stored inside an old mineshaft and were not impairing the wilderness value from the Keynot Mine site. The government is attempting to recover its costs from the operator.

145. ALLEGATION: Inyo Mountains -- The IBLA reversed BLM's decision to allow diversion of water from two canyons within the Inyo Mountains WSA with no consideration of environmental impacts. (Case Examples, p. 61)

BLM RESPONSE: An original Campagna Mine plan called for water diversion in the Inyo Mountains WSA, but was contingent on approval by the State Water Control Board. Later, a second plan was approved that eliminated the water diversions. IBLA affirmed the need for BLM to issue a right-of-way if the pipeline extended off the claim site. The mine operator hikes into the area and uses hand drilling methods in his work. There has been little surface disturbance.

146. ALLEGATION: Saline Valley -- A mine operator in Saline Valley WSA was allowed to carry out activities without adequate monitoring or bonding. He damaged a petroglyph covered wall, built an unauthorized surface water disturbance, and completed excessive road work. No bonding was required.

BLM RESPONSE: No bonding was required because reclamation work on an unauthorized road has been completed. The "excessive" road work involved "walking his machine" up an active wash where it will take little effort to reclaim the "road" since action by rainstorms and winds tend to remove all disturbances. Archeologists determined there was no damage to petroglyphs in the area. The water diversion was at the end of the access road within the wash area. No new mining activity has occurred in recent months. The operator has been informed that all reclamation work must be completed by June 30, 1989.

INDEX		PAGE
1.	OFF HIGHWAY VEHICLES (STRIPS LAND)	7
2.	OFF HIGHWAY VEHICLES (SOIL)	7
3.	BARSTOW TO VEGAS RACE (DUST)	7-8
4.	GENERAL PATTON	8
5.	MINING (UNAUTHORIZED)	8
6.	GRAZING	8
7.	OFF HIGHWAY VEHICLES (DAMAGE)	9
8.	DESERT PLAN (PROTECTION)	9
9.	VEHICLE ACCESS	9
10.	OFF HIGHWAY VEHICLES (OPEN AREA)	9
11.	MINERALS (RESOURCES/RIGHTS)	9-10
12.	GRAZING (RIGHTS)	10
13.	HUNTING (ACCESS)	10-11
14.	PLANNING PROCESS	11
15.	PROTECTION OF DESERT	11
16.	PARKS EXPANSION (DEATH VALLEY)(BOUNDARIES)	11
17.	PARKS EXPANSION (DEATH VALLEY)(PROTECTION)	12
18.	PARKS EXPANSION (DEATH VALLEY)(BOUNDARIES)	12
19.	PARKS EXPANSION (DEATH VALLEY)	12
20.	PARKS EXPANSION (DEATH VALLEY) (EUREKA-SALINE)	12
21.	PARKS EXPANSION (DEATH VALLEY)	12
22.	PARKS EXPANSION (DEATH VALLEY)(MINERALS)	13
23.	PARKS EXPANSION (DEATH VALLEY)(STATE LANDS)	13
24.	PARKS EXPANSION (DEATH VALLEY)(GRAZING)	13
25.	PARKS EXPANSION (JOSHUA TREE)(MINERALS)	13
26.	PARKS EXPANSION (JOSHUA TREE)(BOUNDARIES)	13
27.	PARKS EXPANSION (JOSHUA TREE) (COXCOMB-EAGLE MTNS)	14
28.	PARKS EXPANSION (JOSHUA TREE)(MINERALS)	14
29.	PARKS EXPANSION (JOSHUA TREE)(STATE LANDS)	14
30.	PARKS EXPANSION (JOSHUA TREE)(PRIVATE LANDS)	14
31.	PARKS EXPANSION (JOSHUA TREE)(GRAZING)	14
32.	PARKS EXPANSION (JOSHUA TREE)(OHVs)	14-15
33.	EAST MOJAVE NATIONAL SCENIC AREA	15
34.	EAST MOJAVE NATIONAL SCENIC AREA	15
35.	EAST MOJAVE NATIONAL SCENIC AREA (PROTECTION)	15
36.	EAST MOJAVE NATIONAL SCENIC AREA (WILDERNESS)	15
37.	EAST MOJAVE NATIONAL SCENIC AREA (PERMANENCY)	16
38.	EAST MOJAVE NATIONAL SCENIC AREA (MINING)	16
39.	EAST MOJAVE NATIONAL SCENIC AREA (STATE LANDS)	16
40.	EAST MOJAVE NATIONAL SCENIC AREA (PRIVATE LANDS)	16
41.	EAST MOJAVE NATIONAL SCENIC AREA (GRAZING)	16-17
42.	EAST MOJAVE NATIONAL SCENIC AREA (RESIDENTS)	17
43.	EAST MOJAVE NATIONAL SCENIC AREA (TRANSPORTATION/UTILITY CORRIDORS)	17
44.	RED ROCK CANYON STATE PARK	17
45.	INDIAN CANYONS	18
46.	INDIAN CANYONS	18
47.	INDIAN CANYONS	18
48.	INDIAN CANYONS	18-19
49.	DESERT LILY SANCTUARY	19
50.	WILDERNESS (PROTECTION)	19

51.	WILDERNESS (ECOLOGICAL)	19-20
52.	WILDERNESS (LOWLANDS)	20
53.	WILDERNESS (PROCESS)	20-21
54.	OFF HIGHWAY VEHICLE PLAY (DISPERSAL USE)	21
55.	VEHICLE ACCESS	21
56.	WILDERNESS (ACCESS)	21-22
57.	MINING PRODUCTION (RIGHTS)	22
58.	MINERALS (WEALTH)	23
59.	ROCKHOUNDING (ACCESS)	23
60.	PROTECTION (PLAN AND AMENDMENTS)	23-24
61.	RESEARCH (ACCESS)	24
62.	LANDOWNERS	24
63.	WILDLIFE (ACCESS)	24-25
64.	VEHICLE ACCESS	25
65.	VEHICLE ACCESS	25
66.	WILDERNESS	25
67.	OFF HIGHWAY VEHICLES (OPEN AREAS)	26
68.	OFF HIGHWAY VEHICLES (OPEN AREAS)	26
69.	MINERALS (EXPANSION)	26
70.	MINERALS (STRATEGIC)	26
71.	MINERALS (ACCESS)	26-27
72.	MINERALS (VALUE)	27
73.	MINERALS (BORATE)	27
74.	MINERALS (RARE EARTHS)	27-28
75.	MINERALS (GOLD)	28
76.	MINERALS (STRATEGIC)	28
77.	MINERALS (SAND/GRAVEL)	28
78.	DESERT PLAN (PROTECTION)	28
79.	DESERT PLAN (PROTECTION)	29
80.	DESERT PLAN (AMENDMENTS)	29
81.	DESERT PLAN (ENFORCEMENT)	29
82.	AREAS OF CRITICAL ENVIRONMENTAL CONCERN	29
83.	ARCHEOLOGY (INVENTORY)	30
84.	ARCHEOLOGY (VANDALISM)	30
85.	PLANNING PROCESS	30
86.	DESERT PLAN (PROTECTION)	30
87.	DESERT PLAN (PROTECTION)	30-31
88.	WILDERNESS (MOJAVE NATIONAL SCENIC AREA)	31
89.	DESERT PLAN (PROTECTION)	31
90.	DESERT PLAN (OFF HIGHWAY VEHICLES)	31-32
91.	DESERT PLAN (PROTECTION)	32
92.	AREAS OF CRITICAL ENVIRONMENTAL CONCERN	32
93.	AREAS OF CRITICAL ENVIRONMENTAL CONCERN	32
94.	AREAS OF CRITICAL ENVIRONMENTAL CONCERN	32-33
95.	WILDERNESS (INTERIM MANAGEMENT POLICY)	33
96.	WILDERNESS (PROTECTION)	33
97.	LAW ENFORCEMENT	33-34
98.	WILDERNESS (RECLAMATION)	34
99.	LAND CLASSES/ZONES (PROTECTION)	34
100.	LAND CLASSES/ZONES (BOUNDARIES)	34
101.	LAND CLASSES/ZONES (MANAGEMENT)	34-35
102.	LAND CLASSES/ZONES (OFF HIGHWAY VEHICLES)	35
103.	DESERT PLAN (AMENDMENTS)	35
104.	BARSTOW TO VEGAS RACE	36
105.	CAMPING	36

106. PANAMINT DUNES 36
107. WILDERNESS (REDUCTION AMENDMENTS) 36-37
108. EAST MOJAVE NATIONAL SCENIC AREA (ACRE REDUCTIONS) 37
109. OFF HIGHWAY VEHICLES (DAMAGE) 37
110. OFF HIGHWAY VEHICLES (VEGETATION) 37
111. OFF HIGHWAY VEHICLES (LAND SCARS) 38
112. OFF HIGHWAY VEHICLES (WILDLIFE) 38
113. BARSTOW TO VEGAS RACE (RODENTS) 38
114. OFF HIGHWAY VEHICLES (RODENTS) 38
115. OFF HIGHWAY VEHICLES (TORTOISE) 38-39
116. OFF HIGHWAY VEHICLES (BIGHORN SHEEP) 39
117. OFF HIGHWAY VEHICLES (BIRDS) 39
118. OFF HIGHWAY VEHICLES (SHRUBS) 39
119. OFF HIGHWAY VEHICLES (CREOSOTE SHRUB) 39-40
120. OFF HIGHWAY VEHICLES (PLANT SPECIES) 40
121. OFF HIGHWAY VEHICLES (PLAY) 40
122. OFF HIGHWAY VEHICLES (SOIL) 40-41
123. AIR QUALITY 41
124. OFF HIGHWAY VEHICLES (INTAGLIOS) 41
125. OFF HIGHWAY VEHICLES (ARCHEOLOGY) 41
126. OFF HIGHWAY VEHICLES (CULTURAL) 41-42
127. WILDERNESS (INTERIM MANAGEMENT POLICY) 42
128. WILDERNESS (INTERIM MANAGEMENT POLICY) 42
129. PROTECTION (ENFORCEMENT) 42-43
130. LAW ENFORCEMENT 43
131. RECLAMATION 43
132. WILDERNESS (INTERIM MANAGEMENT POLICY) 43
133. WILDERNESS (INTERIM MANAGEMENT POLICY) 43
134. WILDERNESS (INTERIM MANAGEMENT POLICY) 43-44
135. WILDERNESS (INTERIM MANAGEMENT POLICY) 44
136. WILDERNESS (INTERIM MANAGEMENT POLICY) 44
137. WILDERNESS (INTERIM MANAGEMENT POLICY) 44
138. WILDERNESS (INTERIM MANAGEMENT POLICY) 45
139. MECCA HILLS 45
140. PAHRUMP 45
141. INDIAN PASS 45
142. AVAWATZ MOUNTAINS 46
143. SURPRISE CANYON 46
144. INYO MOUNTAINS 46
145. INYO MOUNTAINS 47
146. SALINE VALLEY 47

August 3, 1987

Senator Dale Bumpers
Chairman, Senate Subcommittee,
Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
Room 308
Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Bumpers:

Based on the testimony of the witnesses at the August 21 and 23, 1897, hearing of the Senate Subcommittee on Public Lands National Parks and Forests, Committee on Energy and Natural Resources, on the California Desert Protection Act of 1987 (S. 7) and the questions asked of the witnesses, we submit the following statement for the record:

FUTURE MINERAL PRODUCTION IS AT RISK: S. 7 WOULD PLACE KNOWN PRODUCTION/RESERVES ADJACENT TO PROPOSED WILDERNESS.

A few examples of potential loss of mineral production because of S. 7 proposals are as follows:

* 27 million tons of borate reserves in the Funeral Range would lie within proposed Death Valley National Park (DVNP) and proposed wilderness would lie immediately adjacent to these reserves. Costs necessary to comply with restrictions imposed by these two land designations would require relatively high-grade deposits to be economic, and the lower-grade ores would be lost; thus, these resources would be damaged.

* 30 million tons of borate reserves at Ryan would be surrounded by both proposed wilderness and DVNP. Only one access route, through DVNP, would be available. Scenic protection and increased environmental safeguards required by surrounding the Ryan area with park and wilderness would burden these reserves with operating and environmental restrictions that could prevent development or damage their economic worth.

* The area of greatest borate potential near the Ryan area lies astride the northern boundary of both proposed DVNP and Wilderness. If S. 7 were enacted, that portion within the proposed withdrawals (DVNP and Wilderness) would not be explored, and any discoveries immediately outside of these withdrawals would be constrained in the same manner as in #s 1 and 2, above.

* The areas mentioned above are delineated on the attached map "Death Valley Borate Area" (MAP - A).

MINERAL POTENTIAL/RESOURCES WOULD BE LOCKED-UP BY WILDERNESSES OR PARK.

Examples of potential mineral resource loss include the following:

* The extention of the Mountain Pass rare earth trend lies within proposed mineral withdrawals.

* The extension of gold districts such as that presently being produced by Viceroy Minerals would lie under proposed wilderness.

* Proposed withdrawals cover extensions of known borate regions, including that cited above to the east of Death Valley National Monument (DVNM). In addition, in the area north of DVNM, recent exploration has shown borate potential where wilderness is proposed.

* Company maps of areas currently being explored for borates within proposed mineral withdrawal areas could be shown to the Subcommittee, but for security reasons these maps cannot be submitted for the record. Other companies, such as Viceroy and Molycorp, might also be willing to show their company-confidential maps to the Subcommittee if requested.

GOVERNMENT WILDERNESS MINERAL ASSESSMENTS ARE INCOMPLETE AND USE INAPPROPRIATE TECHNIQUES.

Some examples of the inadequacies of mineral assessments include the following:

* Many of the U. S. Geological Survey / U. S. Bureau of Mines mineral assessments do not consider borate potential (U.S.G.S. Bulletins 1708-C, 1708-D and 1710-A) even though claystones of similar age and composition to those containing borates at Boron, Calico and Death Valley underlie the proposed wildernesses.

* Stream sediment geochemistry, a major screening tool of the U.S.G.S., has been shown to be of limited use in arid environments especially for the non-metalics and industrial minerals, such as boron. When boron is found in geochemical samples of the type (non-magnetic, panned, heavy-mineral concentrates) analysed by the survey, it is usually from the detrital silicates and not, therefore, a reflection of the potential for ore-forming sodium or calcium borates.

* In many cases, the lead scientists in the evaluations

are not mineral resource evaluators; they have been borrowed from the another function for which they were hired. This places the responsibility for assessments in the hands of a disinterested party. In addition, the lead investigator often gives the field work to the younger staff. The senior person longs to get back to his regular assignment, and the junior staff lacks the enthusiasm which goes with responsibility. Such a set-up is common in the U. S. G. S., but, happily, fairly uncommon in the Bureau of Mines due to their greater orrientation toward mineral economics and mining.

* Path-finder elements, such as used by our company for boron, are not as effectively utilized in the government assessments as they could be.

* Exploration geophysical techniques are virtually ignored. Those that are used are usually designed to solve geological problems (e.g., magnetics for rock-types) not to define targets, or the surveys were done by others as a part of a search for an environment for specific type of deposit (e.g., Dept. of Energy, airborne scintillometry for uranium). Rarely are electrical methods employed, and virtually no site-specific, small-area surveys are run.

* No subsurface information is gathered. Even available drill-hole data is often overlooked, such as oil and gas exploration data stored by the California Department of Oil and Gas.

* The mineral assessments of the wildernesses, at their very best, bring the public up to the minimum knowledge posessed by exploration companies seeking a particular commodity.

* Specific examples of the above can be confidentially shown to the Sub-committee, if required.

AREAS WITH MINERAL POTENTIAL ARE PROPOSED AS WILDERNESS BY S. 7.

S. 7 attempts to avoid the mineral assessment requirement for wildernesses and, S. 7 has included in proposed wilderness and park areas where previous mineral evaluations did find mineral potential. Consider the following:

* Virtually all Wilderness Study Areas (WSAs) found to have high resource potential by governmental agencies are included in the S. 7 withdrawals (e.g., Inyo Mountains - gold; Golden Valley - gold/silver and geothermal; Palen-McCoy - iron; East Mojave National Park - gold, silver, rare-earths, iron, talc, etc.). (See MAPS B, C & D, attached).

* S. 7 does not require any mineral assessments; thwarting the will of congress as expressed in the Wilderness Act of 1964, re-emphasized in FLPMA (1976), and damning future generations to

live without those resources we are not presently clever enough to detect.

* S. 7 ignores General Accounting Office Report RCED 87-131 which recommends mineral assessments of all proposed land withdrawals.

S. 7 WITHDRAWALS DAMAGE MINERAL CLAIMANTS' RIGHTS.

Some of the many ways S. 7 would damage mineral claimants' rights include the following:

* Claimants would be precluded from acquiring additional federal land necessary to support production through either mill-site claims or purchase.

* Access corridors to claims have not been addressed by S. 7. Access to and from claims for either exploration or production would cross proposed wildernesses (e.g., Keyknot mine, Inyo Mts.). By precluding access, S. 7 surreptitiously denies property rights to a claimant.

* Present claimants would be unable to validate their claims without drilling but are precluded from drilling without a plan of operation which requires such work to be done on a valid claim.

PROPOSED WILDERNESSES RESTRICT ACCESS TO ALL BUT THE MOST HARDY (OR FOOLHARDY).

For the discussion on access for visitors, we offer the following:

* Dr. Norris' warning that most people could not, and should not, travel by foot into these proposed wildernesses must be taken seriously. Automobiles provide not only the means to carry sufficient water into the desert, they also provide protection from the sun, from the radiant heat of the desert sand and from the drying wind. In reality, S. 7 is proposing that these wildernesses exclude man.

* S. 7 proponents claim that "85% of the areas are within 3 miles of a road." and go on to suggest that this fact would provide access for visitors. Such a claim is belittling the intelligence of desert users who know, by experience, that time and exposure, not distance, in a hot, dry, hostile climate, is the culprit that kills. The fact that 85% is within 3 miles of a road also attests to the extent that "fingers" of road invade the proposed wildernesses. These fingers, or "cherry-stems," tacitly recognize that roads are present (see ROADLESS heading, below) and are an attempt to circumvent the wilderness roadless requirement by deeply embaying or "cherry-stemming" the proposed

boundaries.

* Many of the narrow "cherry stems" which reach deep into the S. 7 proposed withdrawals follow roads which lie within steep-walled valleys. Access to the surrounding areas would be very difficult to all but the most fit and best trained.

* Some of the many examples of S. 7's attempt to side-step the congressional-mandated roadless criteria for wildernesses by putting corridors of non-wilderness within proposed wilderness are attached as MAPS E through J.

PROPOSED WILDERNESSES IGNORE ROADLESS CRITERIA

A few more examples of how S. 7 circumvents the roads criteria are:

* The BLM has used various definitions in its planning and management processes for the roads in the desert (routes, ways, roads, trails, etc.). To restrict the term "road" as implied in the wilderness statute to those roads of the desert which the BLM applies the term "road" is a ploy to circumvent the roadless requirement. On the BLM route maps are shown "open" routes of travel which are and have been maintained by use. A copy of a portion of one such BLM route map is attached as MAP O, and MAP P is an overview of the roads in proposed wildernesses in one portion of the desert. A few specific examples of these "open" roads in the eastern portion of the Barstow Resource Area which lie within proposed wilderness are noted on MAPS G through N, attached. Many of these roads provide access for automobiles as well as trucks and four-wheel-drive vehicles.

* "Cherry-stems" of non-wilderness into the proposed wilderness recognizes that roads (called routes by the BLM) do exist within these areas, and the proposed wilderness boundaries are contorted so as to meet the requirements of the Wilderness Act. It is apparent that the authors of S. 7 made an attempt to meet some wilderness requirements (such as minimum size) but side-steped other requirements, such as mineral inventories and roadlessness, by legislating "instant wilderness". In some cases, even the minimum size requirement could not be met without inclusion of large acreages of private lands and/or attaching small areas to larger areas by using the same name. See MAPS Q & R.

THE DESERT IS CAPABLE OF RESTORING ITSELF.

Consider the following:

* Unreclaimed borate exploration drill sites of the 1950's are now impossible to find. In most areas, sites reclaimed under BLM stipulations recover within a few years.

* Most of Patton's tracks, so often cited to be evidence of the length of time it takes for the desert to recover, have disappeared. Those that remain are examples of a particular, small portion of the desert that doesn't recover well, not of the vast majority of the desert that does.

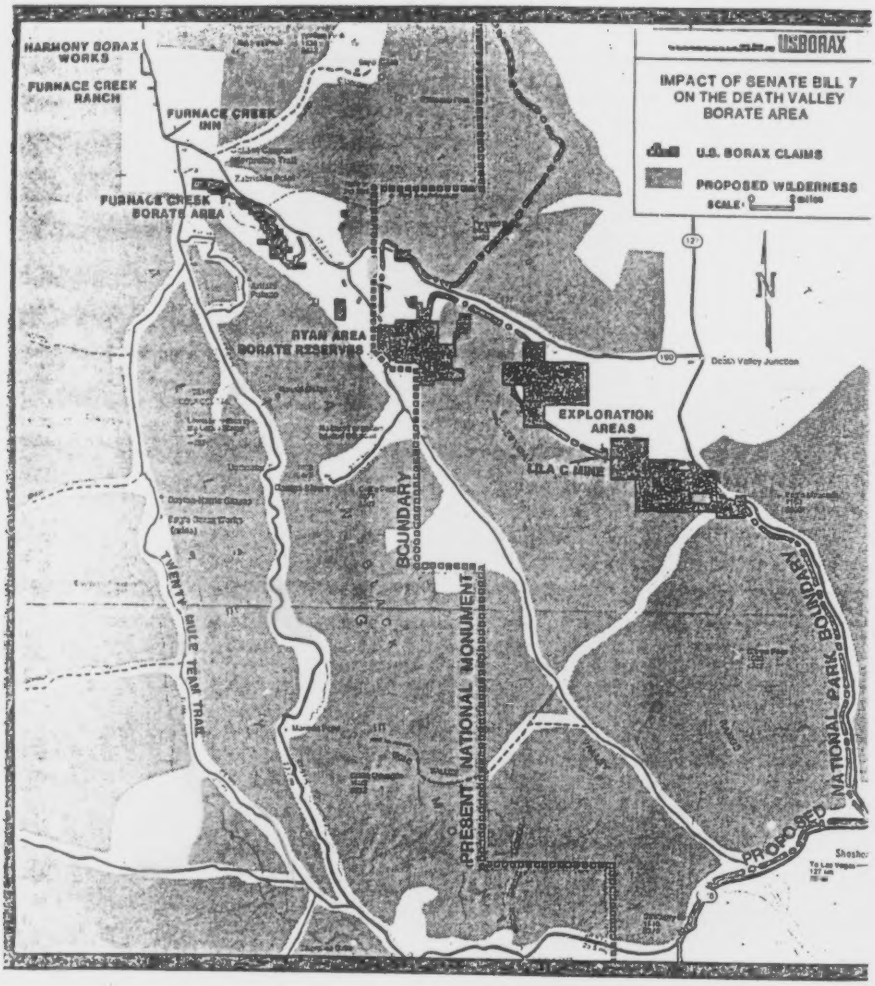
* Wind, thunderstorms, and floods adequately reclaim most of the desert in a short period of time. Wise management can allow such recovery.

We hope you find these comments usefull when your Subcommittee evaluates the impacts S. 7 will have on the California Desert. We believe S. 7 would negatively impact the desert to a greater extent than any of the uses presently managed by the Bureau of Land Management.

Sincerely,

Eugene D. Smith
Vice President, Government and Public Affairs

William M. Pennell
Senior Geologist


USBORAX
IMPACT OF SENATE BILL 7 ON THE DEATH VALLEY BORATE AREA
U.S. BORAX CLAIMS
PROPOSED WILDERNESS
SCALE
N
HARMONY BORAX WORKS
FURNACE CREEK RANCH
FURNACE CREEK INN
FURNACE CREEK BORATE AREA
RYAN AREA BORATE RESERVES
EXPLORATION AREAS
LILA C MINE
Death Valley Junction
190
127
PRESENT NATIONAL MONUMENT BOUNDARY
PROPOSED NATIONAL PARK BOUNDARY
TWENTY MULE TEAM TRAIL
Shoshone

MAP A

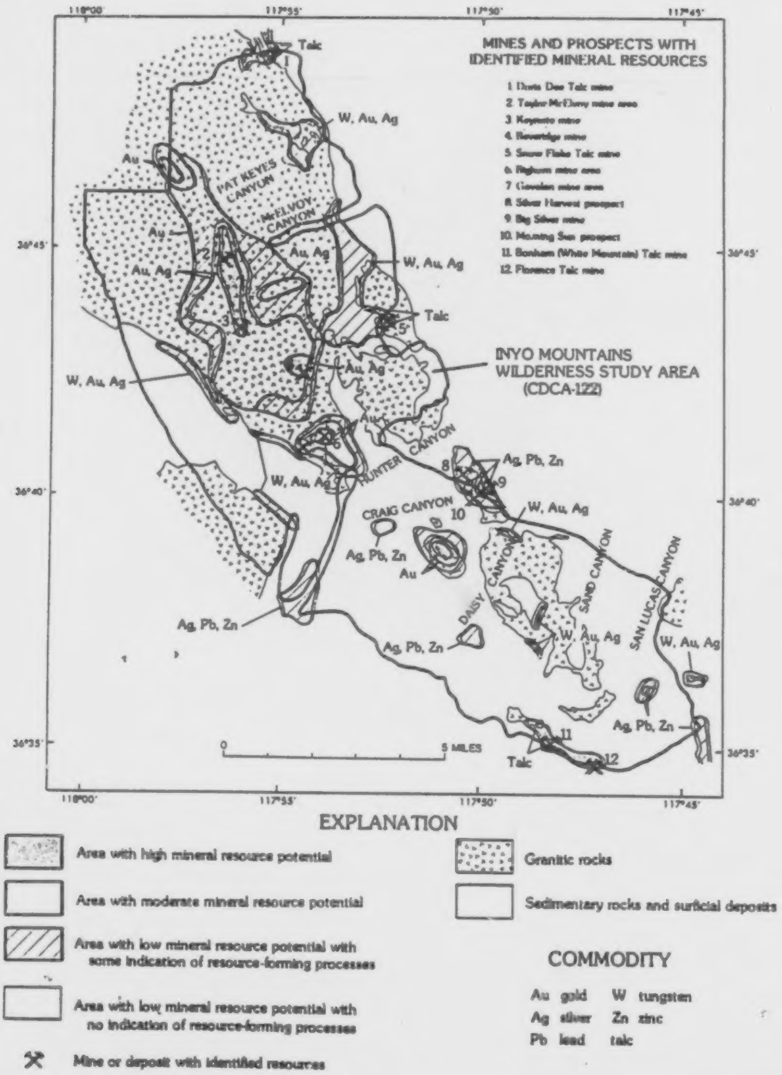

118°00'
117°55'
117°50'
117°45'
36°45'
36°40'
36°35'
MINES AND PROSPECTS WITH IDENTIFIED MINERAL RESOURCES
1 Dusty Doe Talc mine
2 Taylor-McElvoy mine area
3 Keynote mine
4 Beveridge mine
5 Snow Flake Talc mine
6 Bighorn mine area
7 Gavilan mine area
8 Silver Harvest prospect
9 Big Silver mine
10 Morning Sun prospect
11 Bonham (White Mountain) Talc mine
12 Florence Talc mine
INYO MOUNTAINS WILDERNESS STUDY AREA (CDCA-122)
PAT KEYES CANYON
McELVOY CANYON
HUNTER CANYON
CRAIG CANYON
DAISY CANYON
SAND CANYON
SAN LUCAS CANYON
Talc
W, Au, Ag
Au
Au, Ag
Ag, Pb, Zn
0
5 MILES
EXPLANATION
Area with high mineral resource potential
Area with moderate mineral resource potential
Area with low mineral resource potential with some indication of resource-forming processes
Area with low mineral resource potential with no indication of resource-forming processes
Mine or deposit with identified resources
Granitic rocks
Sedimentary rocks and surficial deposits
COMMODITY
Au gold
Ag silver
Pb lead
W tungsten
Zn zinc
talc

Figure 2. Map showing mineral resource potential of the Inyo Mountains Wilderness Study Area, Inyo County, California

From: U.S.G.S. Bull. 1708 A$_3$

MAP B

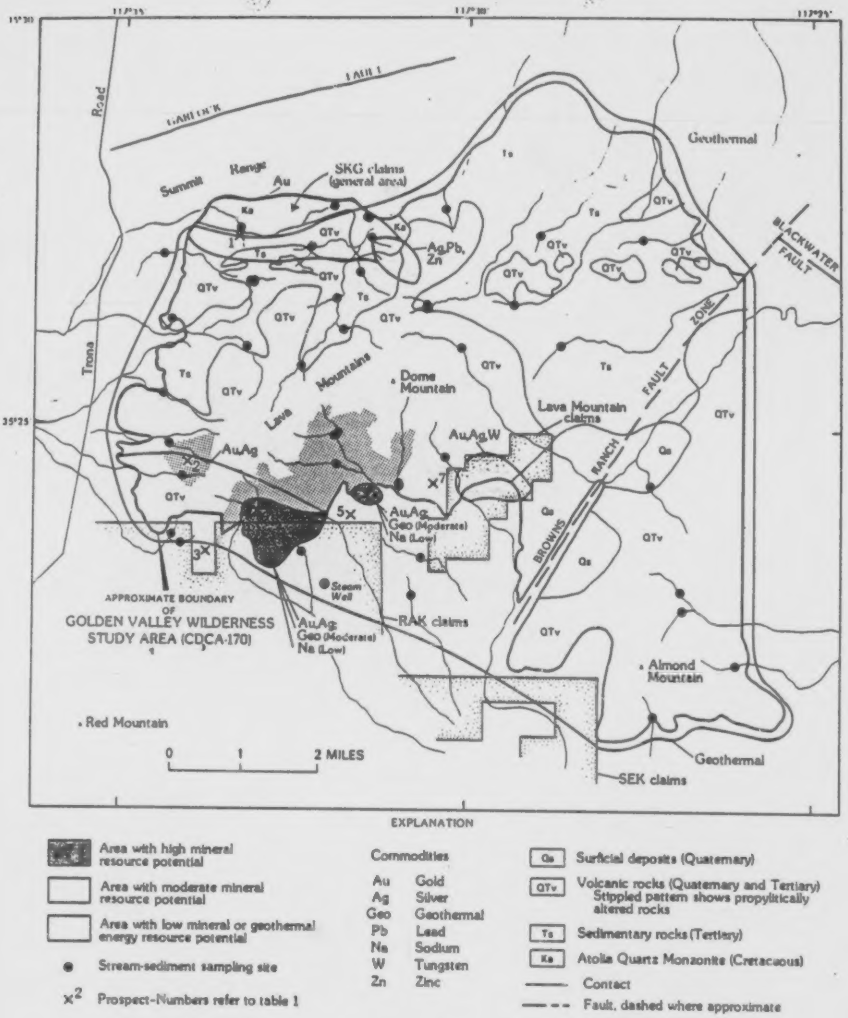

117°35'
117°30'
117°25'
35°30'
35°25'
GARLOCK FAULT
Trona Road
Summit Range
Au
SKG claims (general area)
Ka
QTv
Ts
1
Ag,Pb, Zn
Geothermal
BLACKWATER FAULT
Lava Mountains
Dome Mountain
Lava Mountain claims
Au,Ag,W
Au,Ag
BROWNS RANCH FAULT ZONE
Qs
2
3
5
7
Au,Ag, Geo (Moderate) Na (Low)
Steam Well
APPROXIMATE BOUNDARY OF GOLDEN VALLEY WILDERNESS STUDY AREA (CDCA-170)
RAK claims
Almond Mountain
Red Mountain
0 1 2 MILES
Geothermal
SEK claims
EXPLANATION
Area with high mineral resource potential
Area with moderate mineral resource potential
Area with low mineral or geothermal energy resource potential
Stream-sediment sampling site
Prospect-Numbers refer to table 1
Commodities
Au Gold
Ag Silver
Geo Geothermal
Pb Lead
Na Sodium
W Tungsten
Zn Zinc
Qs Surficial deposits (Quaternary)
QTv Volcanic rocks (Quaternary and Tertiary) Stippled pattern shows propylitically altered rocks
Ts Sedimentary rocks (Tertiary)
Ka Atolia Quartz Monzonite (Cretaceous)
Contact
Fault, dashed where approximate

Figure 2. Areas of mineral resource potential in the Golden Valley Wilderness Study Area, San Bernardino County, California

FROM: U.S.G.S. Bull. 1708-D

D3

MAP C

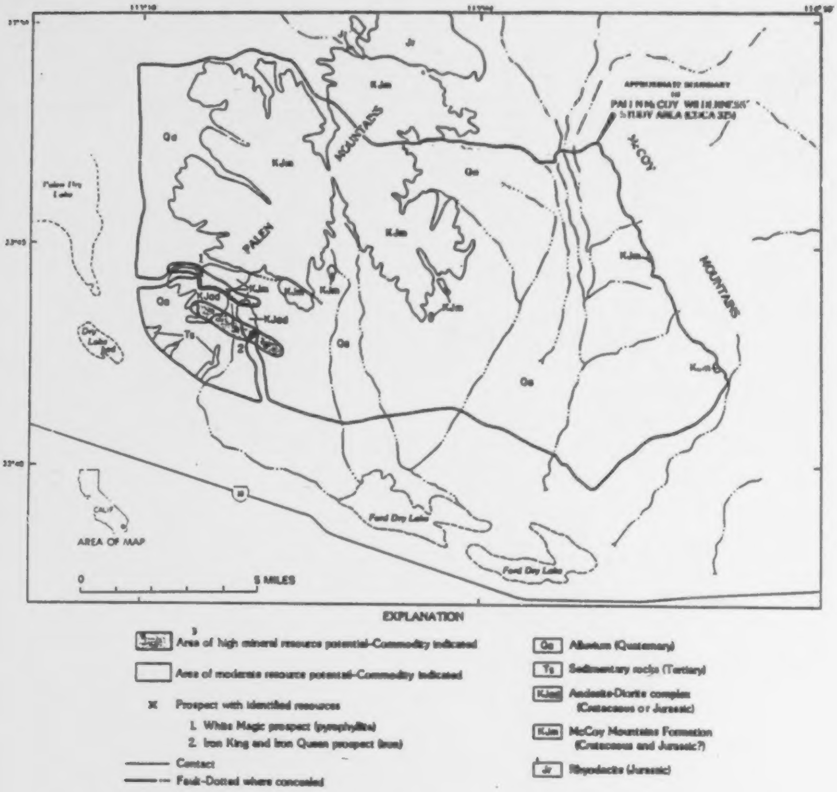

Jr
KJm
MOUNTAINS
APPROXIMATE BOUNDARY OF
PALEN-McCOY WILDERNESS STUDY AREA (CDCA 325)
McCOY
Qa
Palen Dry Lake
PALEN
MOUNTAINS
KJad
Ts
1
2
Dry Lake Bed
CALIF
AREA OF MAP
0
5 MILES
Ford Dry Lake
EXPLANATION
Area of high mineral resource potential-Commodity indicated
Area of moderate resource potential-Commodity indicated
Prospect with identified resources
1. White Magic prospect (pyrophyllite)
2. Iron King and Iron Queen prospect (iron)
Contact
Fault-Dotted where concealed
Qa Alluvium (Quaternary)
Ts Sedimentary rocks (Tertiary)
KJad Andesite-Diorite complex (Cretaceous or Jurassic)
KJm McCoy Mountains Formation (Cretaceous and Jurassic?)
Jr Rhyodacite (Jurassic)

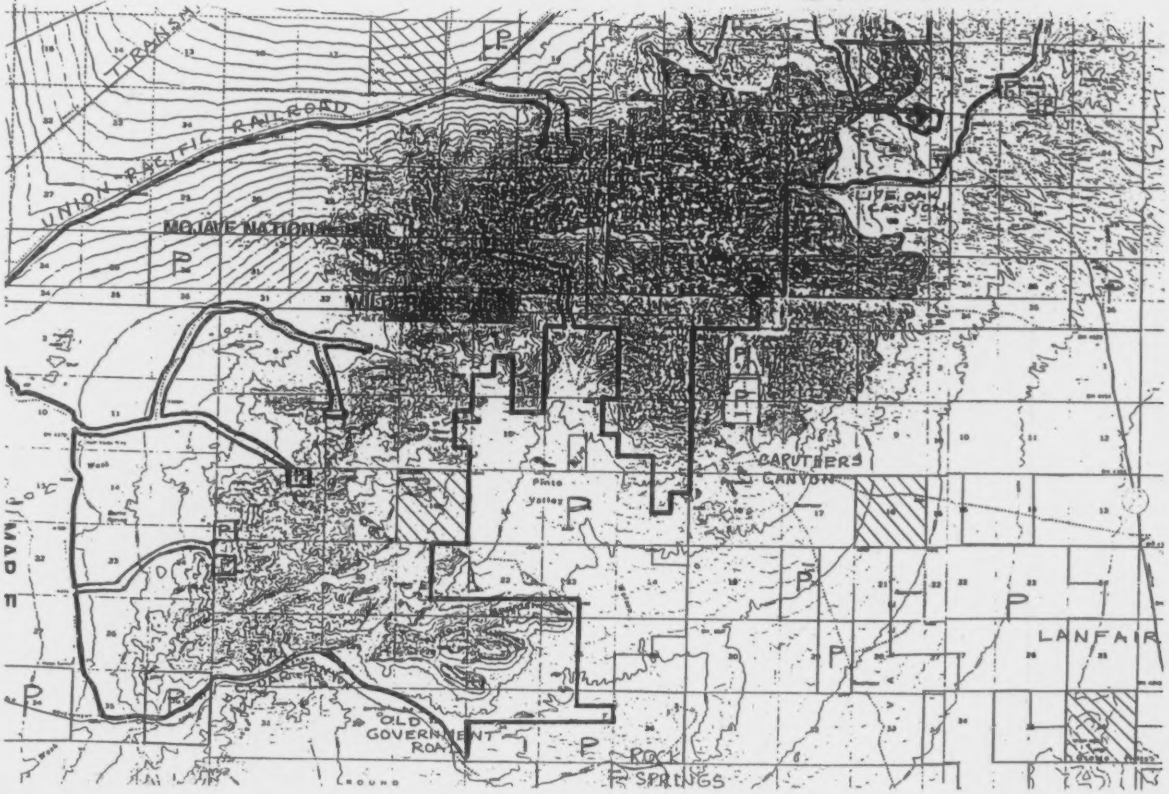
Figure 2. Map showing identified mineral resources and mineral resource potential of the Palen-McCoy Wilderness Study Area, Riverside County, California.

From U.S.G.S. Bul. 1710-A

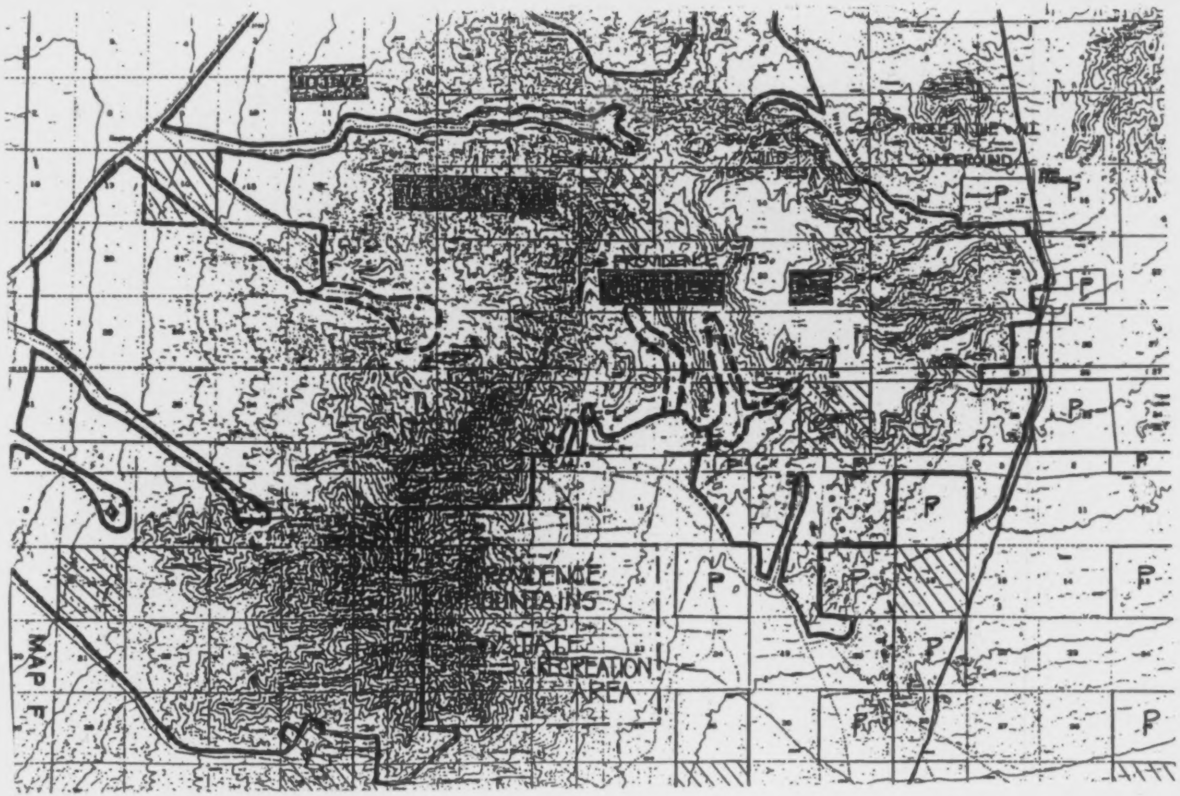
MAP D

EXTREME 'CHERRY STEMS' ALONG ROADS

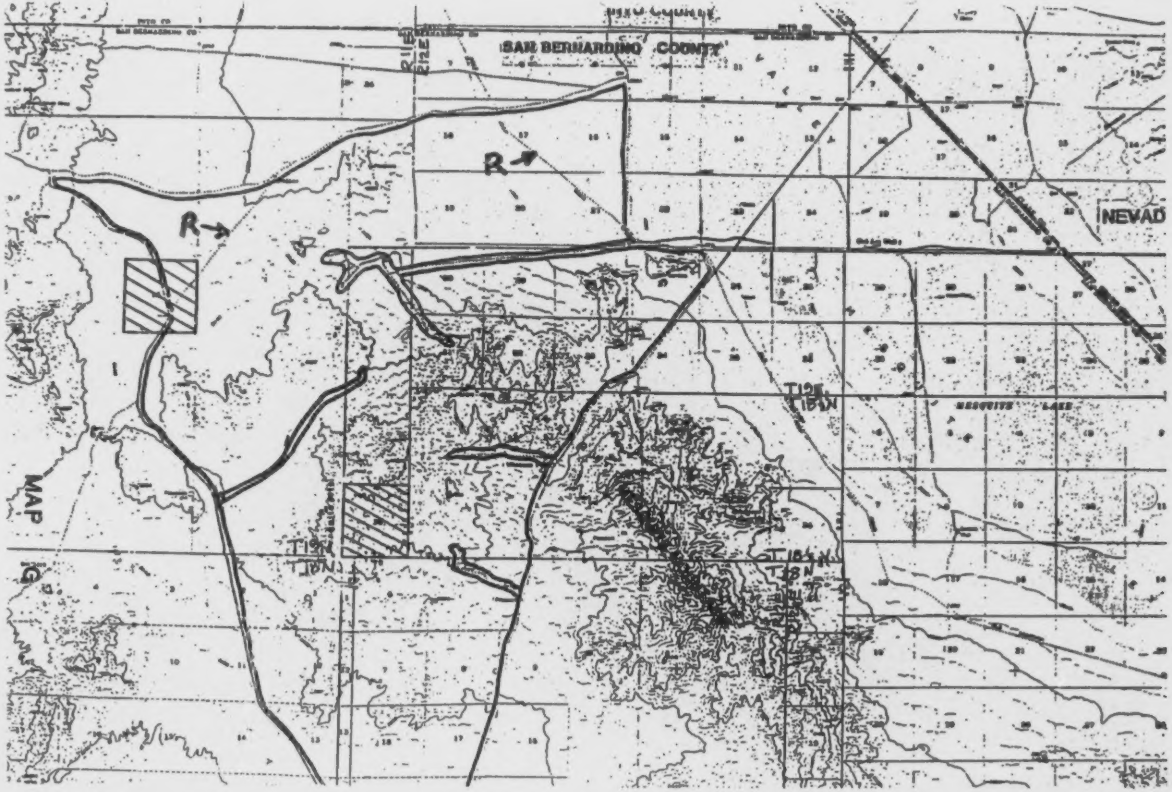
NEW YORK MOUNTAINS MAP


TRANSM
UNION PACIFIC RAILROAD
MOJAVE NATIONAL PARK
LIVE OAK CANYON
CARUTHERS CANYON
Pinto Valley
LANFAIR
OLD GOVERNMENT ROAD
ROCK SPRINGS
P
MAP

Extreme "cherry stems" along roads


HOLE IN THE WALL
CAMPGROUND
WILD
HORSE MESA
PROVIDENCE MTS.
PROVIDENCE
MOUNTAINS
STATE
RECREATION
AREA
P
MAP F

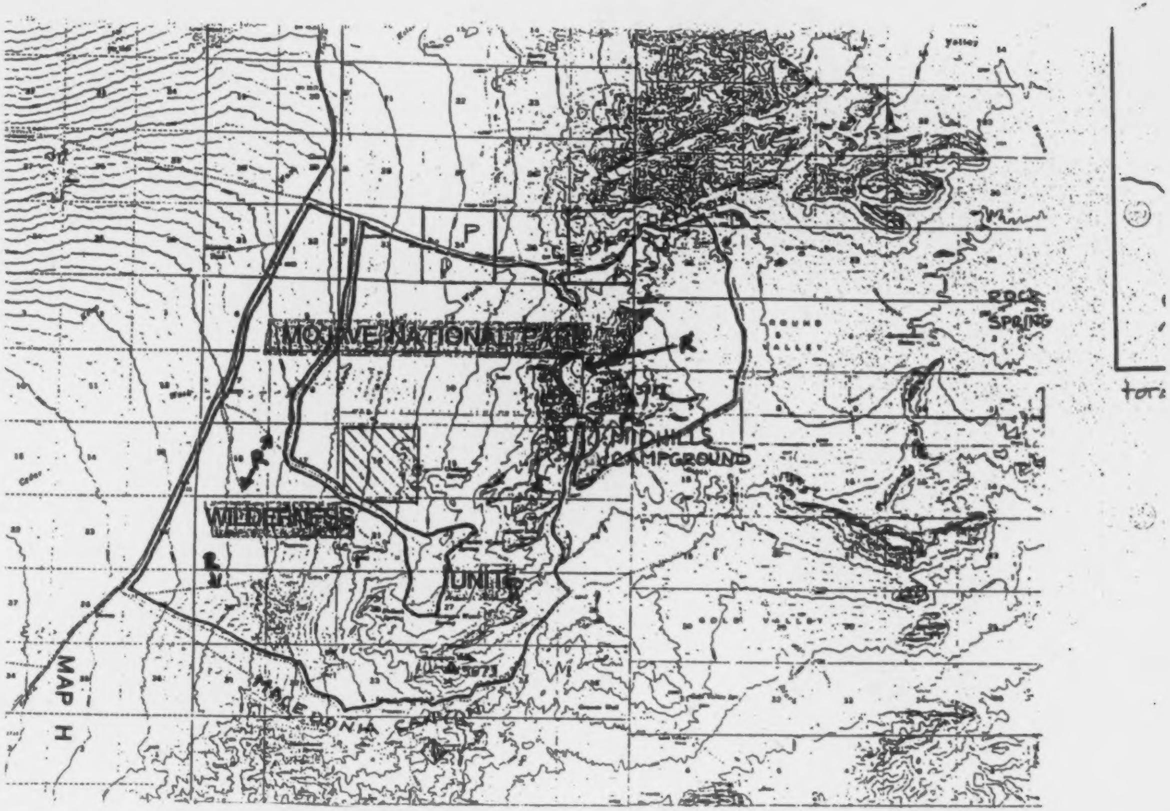
EXTREME 'CHERRY STEMS' AND UNRECOGNIZED ROADS (R→)



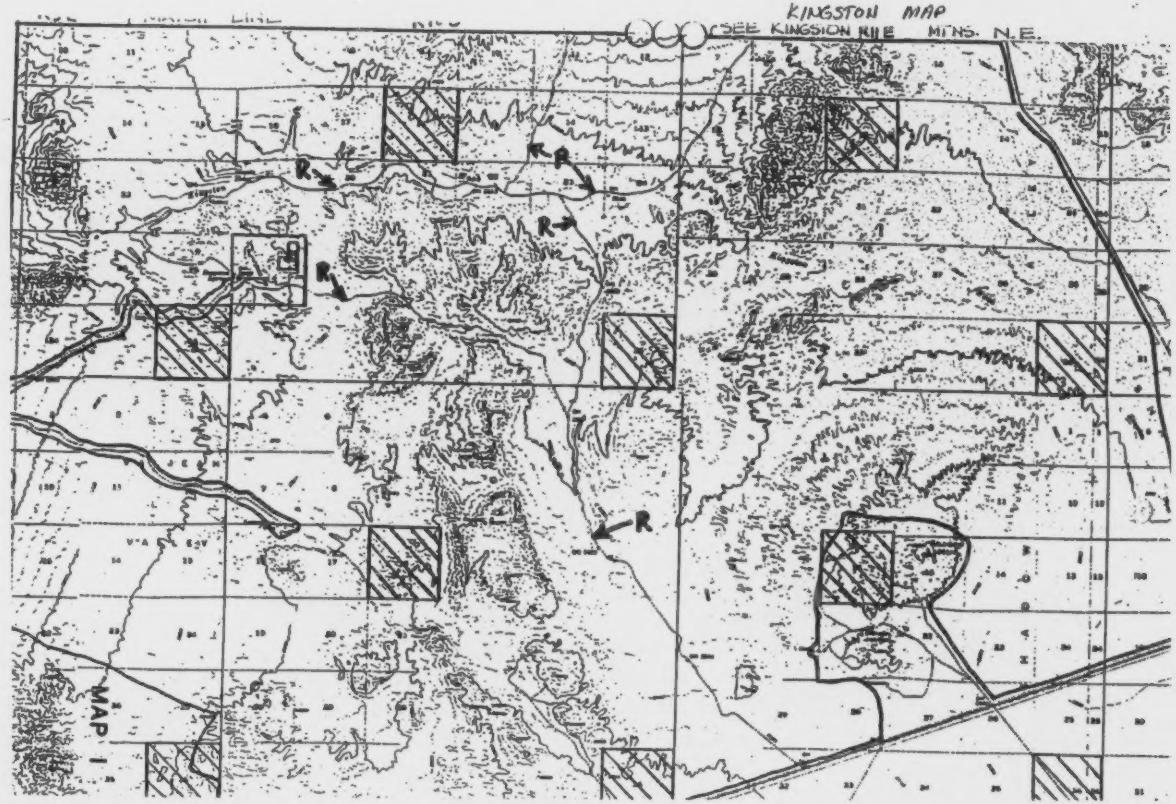
MAP G

INYO COUNTY
SAN BERNARDINO COUNTY
NEVAD
R11E
R12E
R→
R→
MESQUITE LAKE
T19N
T18N
T19N
T18N

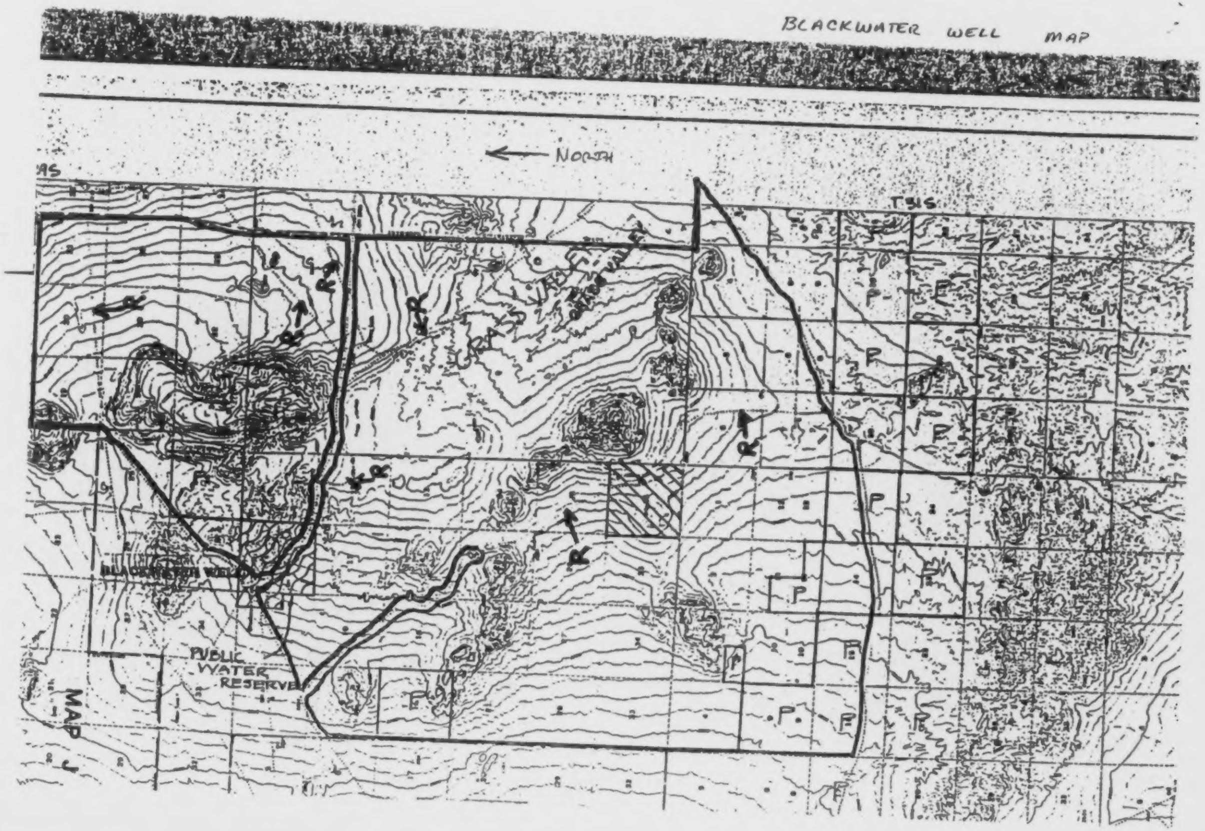
EXTREME 'CHERRY STEMS' AND UNRECOGNIZED ROADS (R→)


P
P
MOJAVE NATIONAL PARK
R
MID HILLS
CAMPGROUND
ROCK SPRING
WILDERNESS
UNIT
R
R
MACEDONIA CANYON
MAP H

1. 'Cherry - Jeus' daws roads recognized by S. 7 authors - Note other unrecognized (roads R→)


KINGSTON MAP
SEE KINGSTON R11E MTNS. N.E.
R
R
R
R
R
R
MAP 1

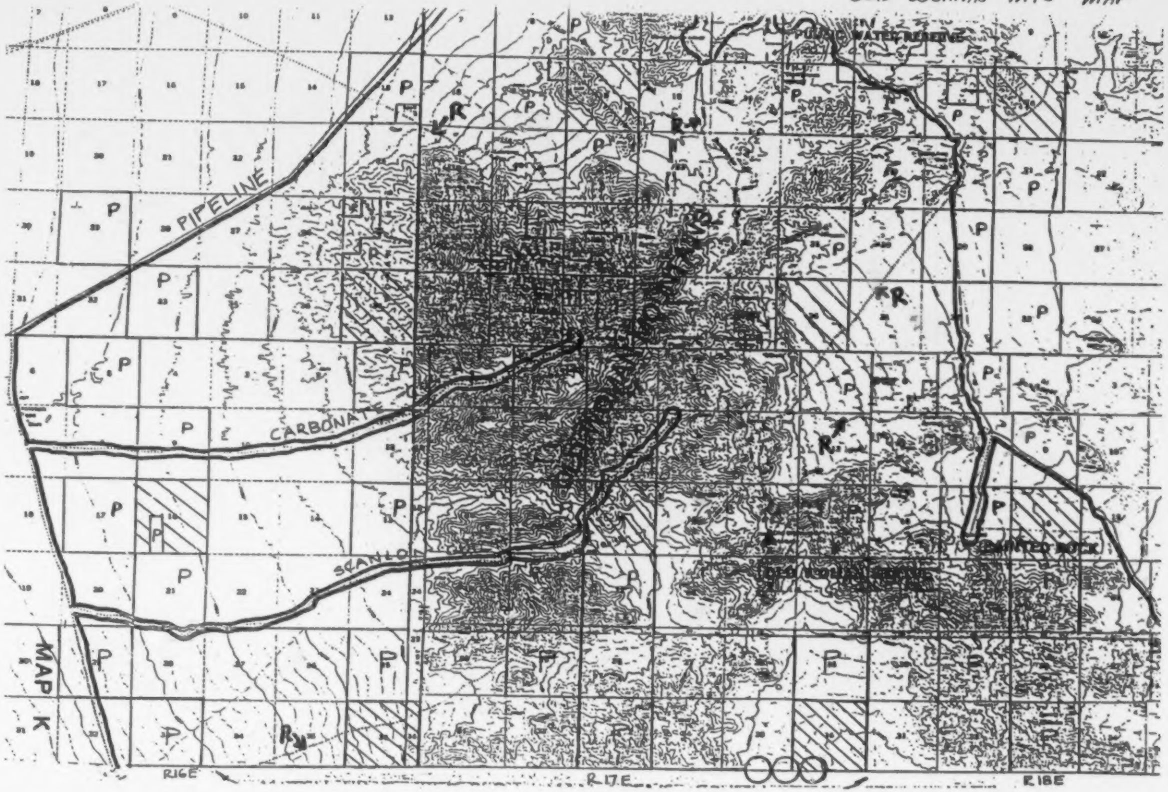
1. "Cherry-Stems" down roads recognized by S. 7 authors - Note other unrecognized roads (R →)

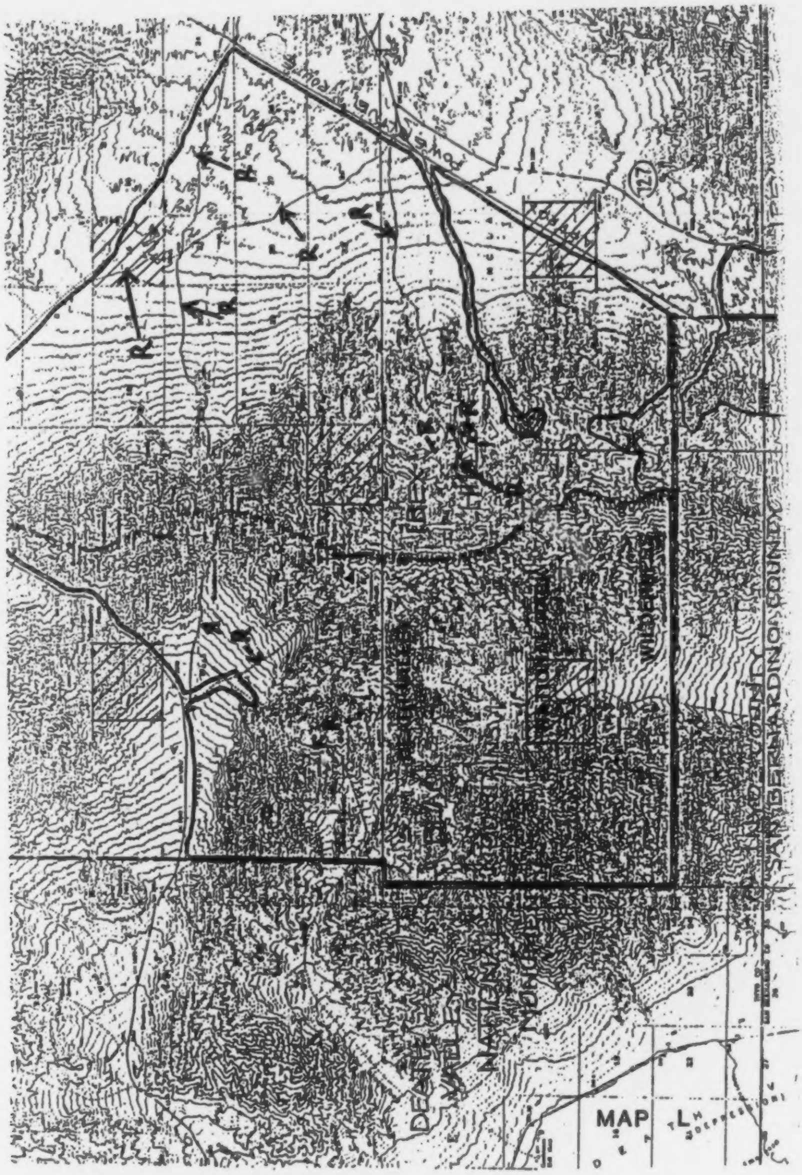

BLACKWATER WELL MAP
← NORTH
T9S
GRASS VALLEY
R
P
BLACKWATER WELL
PUBLIC WATER RESERVE
MAP J

1. Note long "cherry stems" on west side - other roads not recognized by S. 7 (R →)

2 High Percentage of Private Land ☑

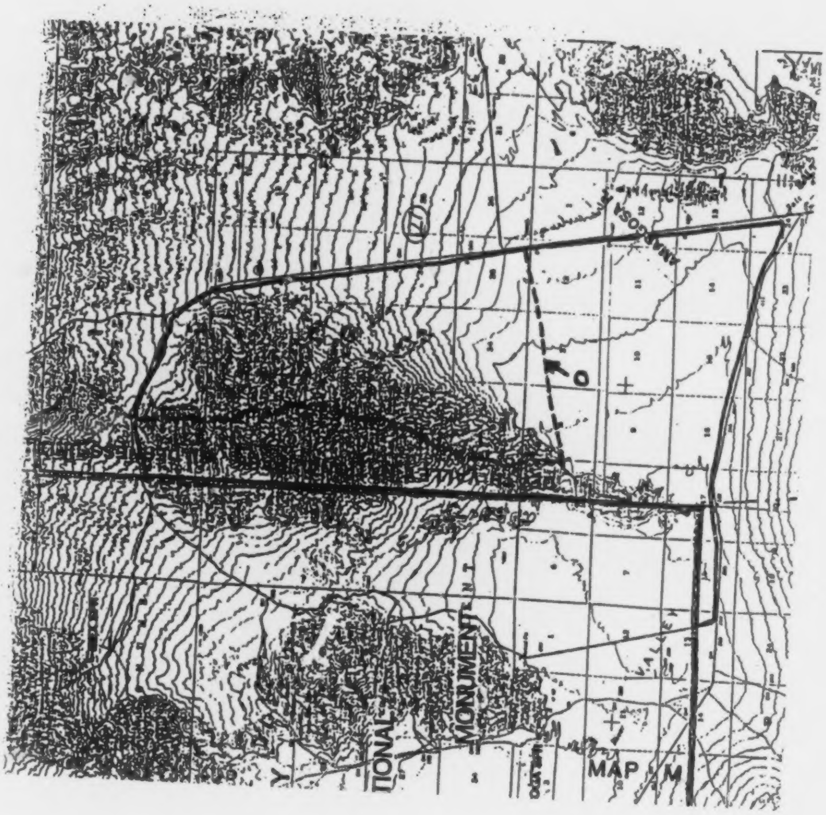
OLD WOMAN MTS MAP


PIPELINE
CARBONATE
SCANLON
OLD WOMAN MOUNTAINS
PAINTED ROCK
PUBLIC WATER RESERVE
P
R
MAP K
R16E
R17E
R18E

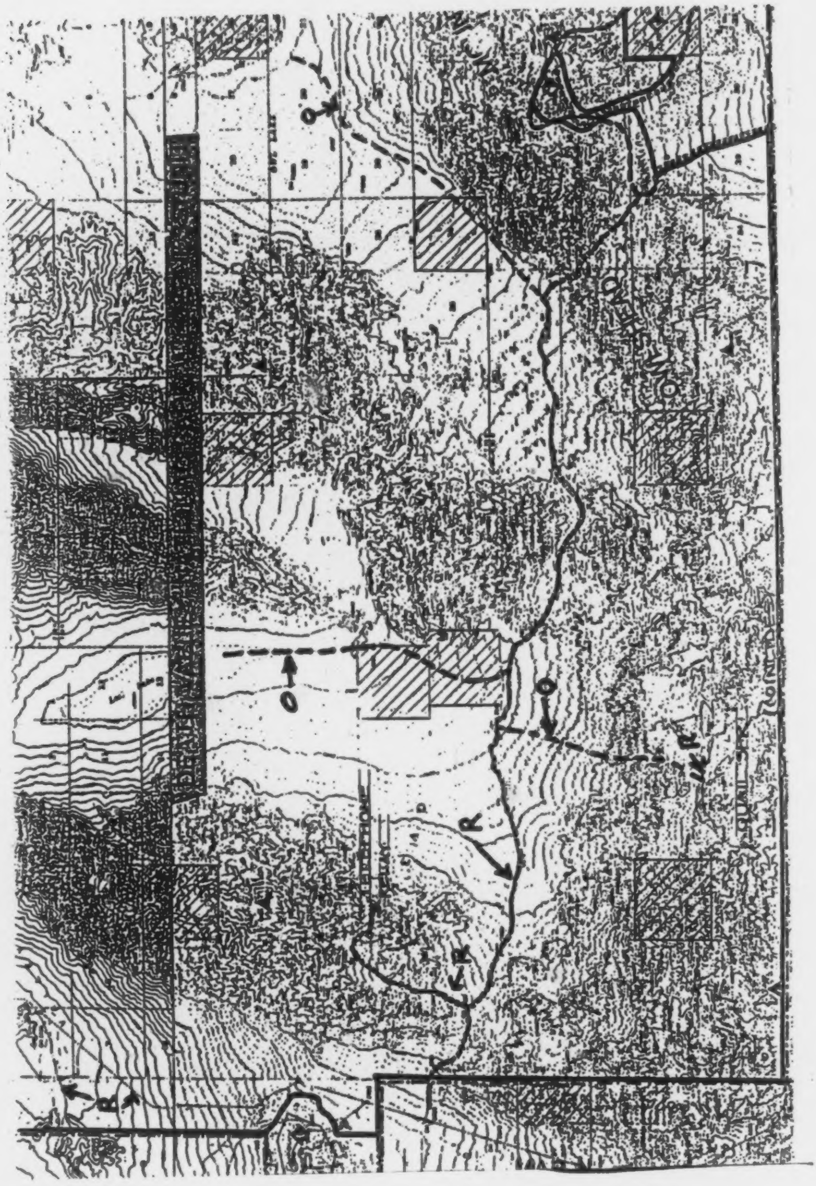

MAP L
SAN BERNARDINO COUNTY
DEATH VALLEY NATIONAL MONUMENT
127
R

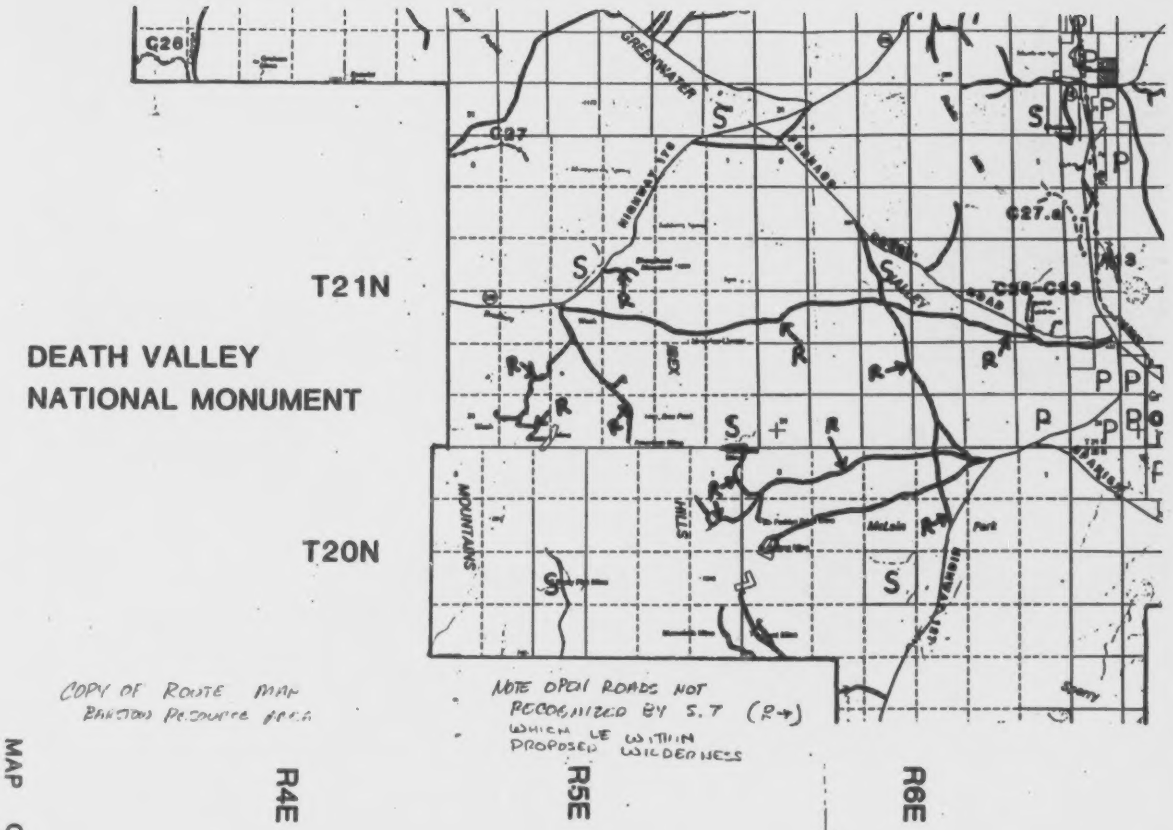
ROADS RECOGNIZED AS 'OPEN' BY BLM AND IGNORED BY BLM (R→)

'Open' route of BLM ignored by s.7 (O→)


O
AMARGOSA
TIONAL
MONUMENT
MAP

ROADS NOT RECOGNIZED BY S.7 (R→) BUT RECOGNIZED AS "OPEN" BY BLM
OTHER "OPEN" ROUTES RECOGNIZED BY BLM BUT IGNORED BY S.7 (O→)



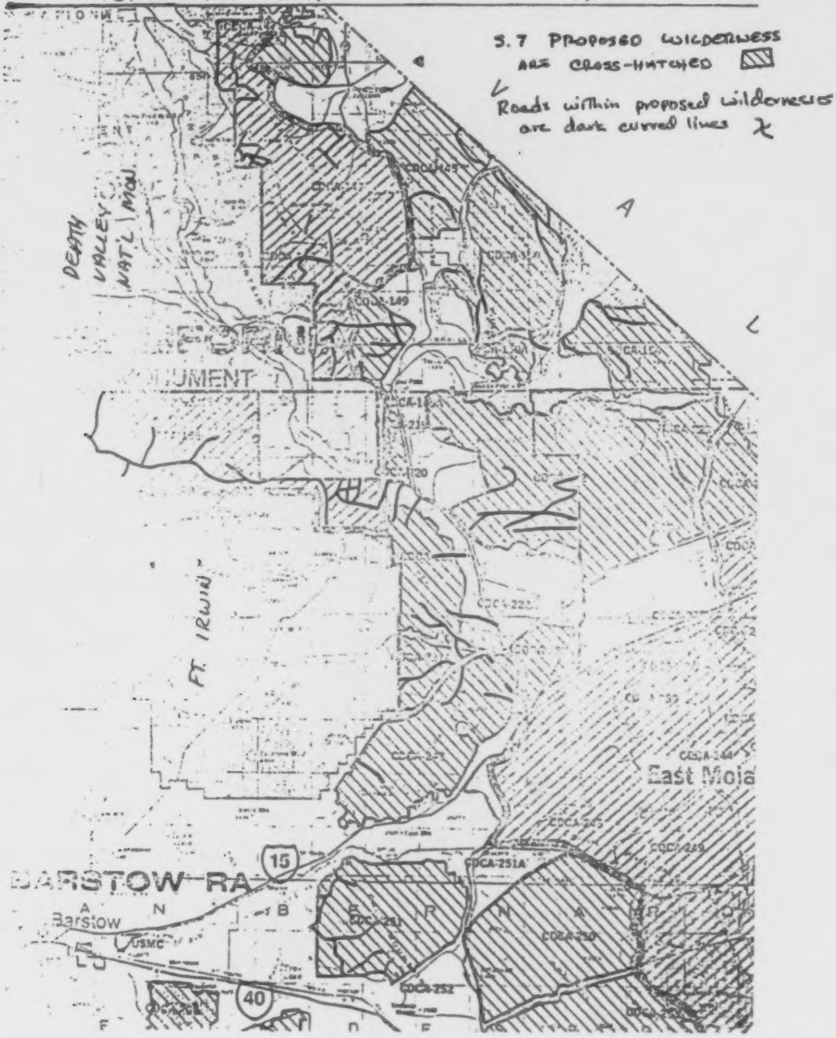

DEATH VALLEY
NATIONAL MONUMENT
T21N
T20N
R4E
R5E
R6E
GREENWATER
HIGHWAY 178
FURNACE
CREEK
VALLEY
C28
C27
C27.a
C36-C33
IBEX
HILLS
MOUNTAINS
McLain
Park
HIGHWAY 127
S
P
R
F

COPY OF ROUTE MAP
BARSTOW RESOURCE AREA

NOTE OPEN ROADS NOT
RECOGNIZED BY S.T (R→)
WHICH LIE WITHIN
PROPOSED WILDERNESS

MAP O

NORTHEAST BARSTOW RESOURCE AREA

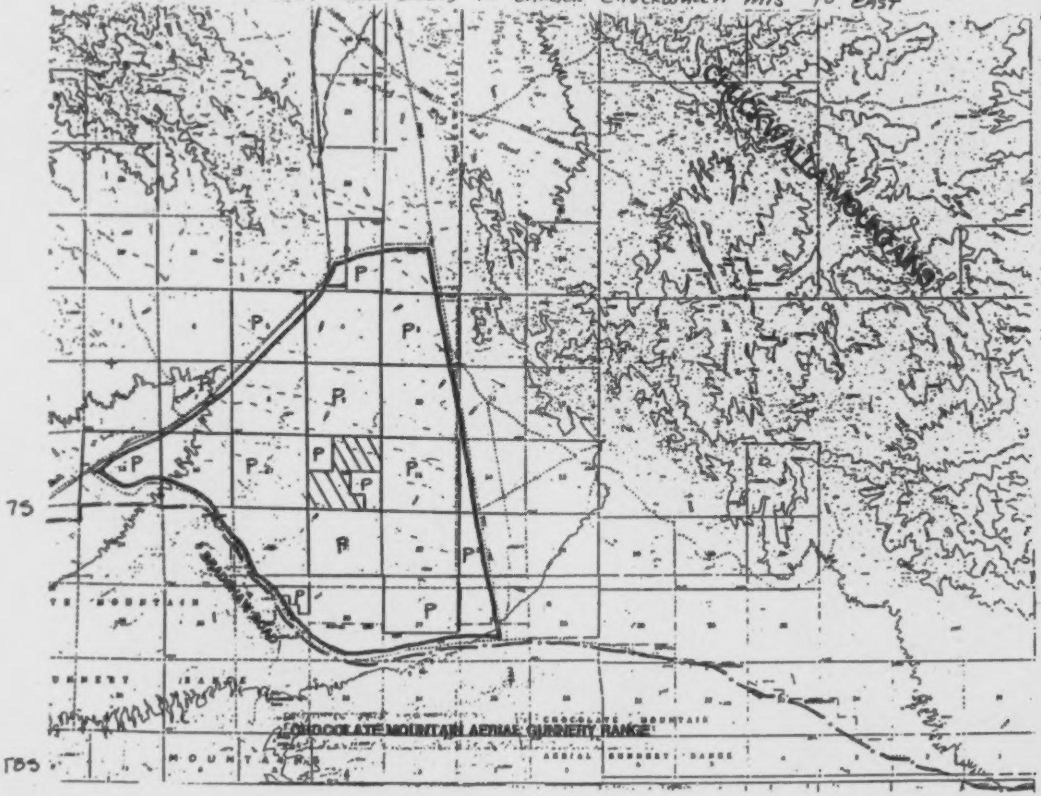

3.7 PROPOSED WILDERNESS
ARE CROSS-HATCHED ▨
Roads within proposed wilderness
are dark curved lines
DEATH VALLEY NAT'L MON
MONUMENT
A
L
FT. IRWIN
East Moja
15
BARSTOW RA
Barstow
USMC
40
CDCA-251A
CDCA-250
CDCA-251
CDCA-252
A
N
B
E
R
N
A
R
D
F

MAP P

SMALL SIZE, HIGH PERCENTAGE OF PRIVATE LAND 🄿, STATE ▨

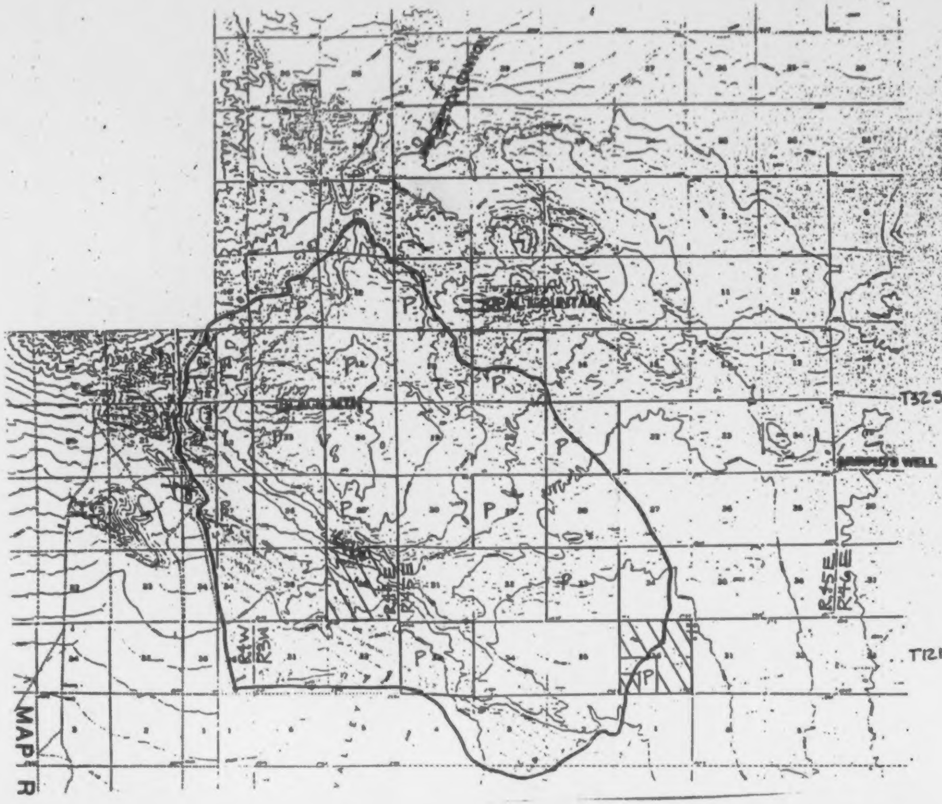
WITHOUT PRIVATE ACREAGE PROBABLY WOULD NOT BE (MINIMUM) 5000 AC AS REQUIRED.
ATTACHED (BY NAME ONLY) TO LARGER CHUCKWALLA MTS TO EAST

CHUCKWALLA MOUNTAINS MAP


CHUCKWALLA MOUNTAINS
P
P
P
P
P
P
P
P
P
P
P
P
7S
T8S
MOUNTAIN
GUNNERY RANGE
CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE
CHOCOLATE MOUNTAIN
AERIAL GUNNERY RANGE

1. High Percentage of private land P and State Land ▨

BLACK MOUNTAIN MAP


P
BLACK MTN
T32S
T12N
R45E
R46E
R4W
R3W
WELL
MAP R

City of Los Angeles

CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 485-3311

OFFICE OF THE MAYOR

TOM BRADLEY
MAYOR

July 14, 1987

JUL 20 REC'D

The Honorable Dale Bumpers, U.S. Senator
Chairman, Subcommittee on Public Lands
Senate Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

RE: S. 7 (CRANSTON), THE CALIFORNIA DESERT PROTECTION ACT

Dear Senator Bumpers:

I am writing to express my wholehearted support for Senator Alan Cranston's bill to protect the desert lands of California.

As Mayor of Los Angeles, a city of more than three million people who live within a few hours' drive from this scenic wonderland, I am extremely concerned about the future of these fragile landscapes. Every year, tens of thousands of my constituents journey to experience for themselves the unique geology, wildlife and flora that can only be seen in the Mojave Desert, Death Valley, Joshua Tree, Red Rock Canyon and surrounding areas. They also visit the California desert to enjoy the matchless sense of solitude, peace and majesty that these spectacular mountains and valleys provide. A weekend trip to the desert when the wildflowers are blooming is a well-known tonic for the commotion of urban life. It is a privilege that I would hope will be preserved for all Americans, now and in the future.

Senator Cranston's visionary legislation would give Californians that assurance, by creating three new national parks and 81 separate wilderness areas, encompassing some 10 million acres throughout the southeastern portion of the state. Passage of this bill will halt the overuse of key wilderness desert areas that has been permitted by the federal Bureau of Land Management (BLM). No protected wilderness area should suffer such abuse, but the desert ecology is particularly slow to recover from the scars left by mankind, as the still-visable tank tracks from General Patton's Third Army, which trained there in 1942, attest.

"AN EQUAL EMPLOYMENT OPPORTUNITY-AFFIRMATIVE ACTION EMPLOYER"

Opponents of this bill have adopted a strategy of misinformation by describing it as a "land grab" by the environmental organizations, which would make the desert available only to hardy backpackers, and would "lock up" its mineral and fuel resources. These charges are untrue. Some 30,000 miles of roads that provide public access to these areas would remain open, as would campgrounds, hotels and other visitor services. Existing mining, oil and gas exploration operations and claims would remain in force. Even the off-road vehicles that have proven so destructive to the desert would still be permitted to use most of the areas now legally open to them.

A more accurate way to regard Senator Cranston's bill is as a redemption of previous federal pledges to preserve the desert. In 1980, the BLM adopted a California Desert Plan that was supposed to ensure that the desert would be protected from reckless exploitation and destruction. These protections have proven to be only as strong as the will of BLM officials to enforce them, which in recent years has been inconsistent at best.

Now, the time has come for Congress to step in. Only Congress can speak for the vast majority of Americans who want precious natural areas such as the California desert preserved for future generations. Senator Cranston's bill provides the best opportunity to ensure that residents of Los Angeles and the rest of the nation will be able to enjoy the special environment of the California desert for decades to come. I urge your prompt consideration and passage of this legislation.

Sincerely,

Tom Bradley

TOM BRADLEY
Mayor

cc: Senator Alan Cranston
Senator Pete Wilson
Congressman Mel Levine
Councilman Michael Woo
Jeff Wider, Sierra Club
James Seeley, City Legislative Representative

STATEMENT OF

EUGENE D. SMITH

VICE PRESIDENT, GOVERNMENT & PUBLIC AFFAIRS

AND

WILLIAM M. PENNELL

SENIOR GEOLOGIST

REPRESENTING

UNITED STATES BORAX & CHEMICAL CORPORATION

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

U.S. SENATE

WASHINGTON, D.C.

JULY 23, 1987

Mr. Chairman:

I am Eugene D. Smith, Vice President for Government and Public Affairs for U.S. Borax. I have over 40 years service with U.S. Borax in mining, land management, environmental affairs, and government and public affairs. I grew up at Boron, California, in the Mojave Desert and worked at U.S. Borax's mining operations at Boron and in the Death Valley area.

I have experienced both the peaceful beauty of the desert and its harsh and unforgiving ways, and I know it has a purpose beyond merely being viewed from an untouchable distance.

My associate is William Pennell, Senior Geologist, with U.S. Borax. Bill has 20 years of experience as a geologist exploring for many different minerals in various parts of the world. While growing up, he spent a lot of time in the California Desert, and he is presently supervising our borate exploration program in a part of the California Desert Conservation Area (CDCA).

We are proud of our professions, our work and U. S. Borax. We know how important minerals are to the basic requirements of human existence: food, clothing and shelter.

U.S. Borax and its affiliates pioneered the borax industry in the world and the potash industry in the United States. We are the major world producer of borate minerals. Our mine and refinery is located at Boron, California, within the CDCA.

Borax is a widely used industrial mineral. It is used in the manufacture of fiberglass insulation essential in reducing this country's energy consumption. Another form of fiberglass, used in reinforced, plastics reduces the weight and fuel consumption of autos and trucks. Boron fibers are also employed in the production of advanced high-strength light-weight materials used in aerospace vehicles. In addition to these uses and a wide variety of other industrial applications, borax is an important plant food used to improve agricultural production in many parts of this country and elsewhere.

We generally oppose the California Desert Protection Act of 1987 (S.7) because:

- S.7 would abrogate the commitments of Congress as set forth in Sec. 601 of the Federal Land Policy and Management Act (FLPMA) to the implementation of "a comprehensive long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area --- [taking]

into account the principles of multiple use and sustained yield in providing for resource use and development, including, but not limited to, maintenance of environmental quality, rights-of-way, and mineral development."

- S. 7 would ignore the many hours of work, the compromises, and the recommendations of the California Desert Conservation Area Advisory Committee. The Committee was established by Section 601 (h) of FLPMA and the authors of S.7 were active participants in the Committee.

  It would be wasteful, wrong, and worrisome if the good efforts of all involved with the present CDCA Plan were disregarded for a bill authored by a minority who didn't get everything they wanted from the CDCA advisory process.

- S.7 disregards the efforts of the Bureau of Land Management (BLM) to develop a CDCA Plan that would protect valid property rights as well as meet the mandates of FLPMA. It also disregards the difficulties of the task and the impossibility of pleasing everyone.

  We commend the BLM for the job they have done and we urge you to judge the criticisms of the BLM by some of the proponents of S.7 in light of BLM's budget constraints, its requirement to protect valid property rights, and the mandates of FLPMA.

  We also suggest that the CDCA Plan developed by the BLM and the CDCA Advisory Committee is a reasonable plan which protects primitive areas and other land-use values. The public can live with the present plan: it controls without preclusions, it allows for changing conditions, it protects without denying access, it meets the will of Congress and the needs of the U. S. citizenry. It is imperfect but workable.

- The scope and land designations proposed by S.7 are so unreasonable they prevent any attempts of a compromise.

  S.7 proposes to place 10.4 million acres (42%) of the CDCA and 72% of the 14.5 million acres available within CDCA for reclassification* in National Parks and/or Wilderness. It is an unreasonable counter proposal to the BLM plan and it has polarized the issue.

* The 14.5 million acres does not include the military, state and private land within the CDCA.

- S.7 would place much of said 10.4 million acres of the CDCA in National Park and/or Wilderness protective land classification without a proper evaluation of its mineral or other land-use values.

  The CDCA is known to have good mineral potential for borates and other minerals. Experience has shown that even areas assessed for mineral value should not necessarily be judged to have no mineral value.

  The U.S. Geological Survey and Bureau of Mines utilize methods not applicable to many minerals, including the borates, and produce only cursory surveys of the ground.

  For example, the U. S. G. S. mineral assessment of the Palen-McCoy, Golden Valley, El Paso Mountain and other Wilderness Study Areas (WSAs) fail to address their borate potential. Yet the Mojave Desert is the world's largest producer of borates, and it has the best potential for undiscovered deposits. Claystones similar in age and composition to those which contain borate reserves at Boron and Death Valley are exposed in these WSAs, and we are currently exploring equivalent claystones both within and outside these and other WSAs.

  The position that governmental mineral assessments are inconclusive is supported by the fact that U. S. Borax discovered its Quartz Hill molybdenum deposit in Southeast Alaska within what subsequently became a Wilderness Study Area that had been evaluated by the U.S.G.S. and reported as having no significant mineral value.

We specifically oppose S.7 because it would abrogate past presidential and legislative actions, and it would damage the ability of U.S. Borax to mine known borate deposits and prevent the exploration of the areas of best borate potential.

- U.S. Borax and its predecessors have a long history in Death Valley that goes back to 1882, the Harmony Borax operations, and the twenty mule teams. We built the Furnace Creek Inn and Ranch and initiated and promoted the establishment of the Death Valley National Monument (D.V.N.M).

- D.V. National Monument was opened to Mineral entry by legislation enacted June 13, 1933, just four months after the proclamation that established D.V.N.M. The Monument's boundary was located by prior agreement to avoid impacting the Ryan Area borate reserves and other mineral development.

  S. 7 would surround the Ryan area with National Park and Wilderness land. Such an Act would totally disregard the understanding that achieved the required support for the establishment of the Monument and resulted in the legislation that opened it to mineral entry.

  U.S. Borax owns or holds 6,000 acres of patented and unpatented mining claims in the Ryan area containing an estimated 27 million tons of borate ore. This area is outside the Monument and the authors of S.7 must know their proposed land designations in this area would prevent or hinder the future development of these reserves.

- U. S. Borax also owns an estimated 30 million tons of borate ore on 4,000 acres of patented land within D.V.N.M. S.7 proposes the designation of wilderness adjacent to these properties and, here again, the authors of S.7 must know this could damage the value of these reserves.

- U.S. Borax holds about 13,000 acres of unpatented claims and leases in an area extending southeast of the Ryan area to and beyond the Lila C mine. Geologically, this area has excellent potential for borate reserves and we are actively exploring the area.

  S.7 would place much of this area in National Parks and Wilderness, thus, damaging the ability of anyone to explore this area and to develop ore deposits that may be found.

- U. S. Borax believes many areas of the CDCA have borate potential, and our exploration activities continue to reveal additional prospective areas.

  Except for very special areas, the uniqueness and scarcity of borate ore deposits in the United States and the world dictates that borate potential areas be evaluated before they are locked up in National Parks or Wilderness.

A map of some of the areas mentioned above is attached for your easy reference.

In closing, we urge you not to ignore, as S.7 proposes, the commitments of past administrations in the establishment of Death Valley National Monument and the past mandates of FLPMA. The California Desert Conservation Area is a reasonable plan developed through compromise and it deserves your careful consideration. To disregard this plan and past commitments would be destructive to the public advisory process and to Congress.

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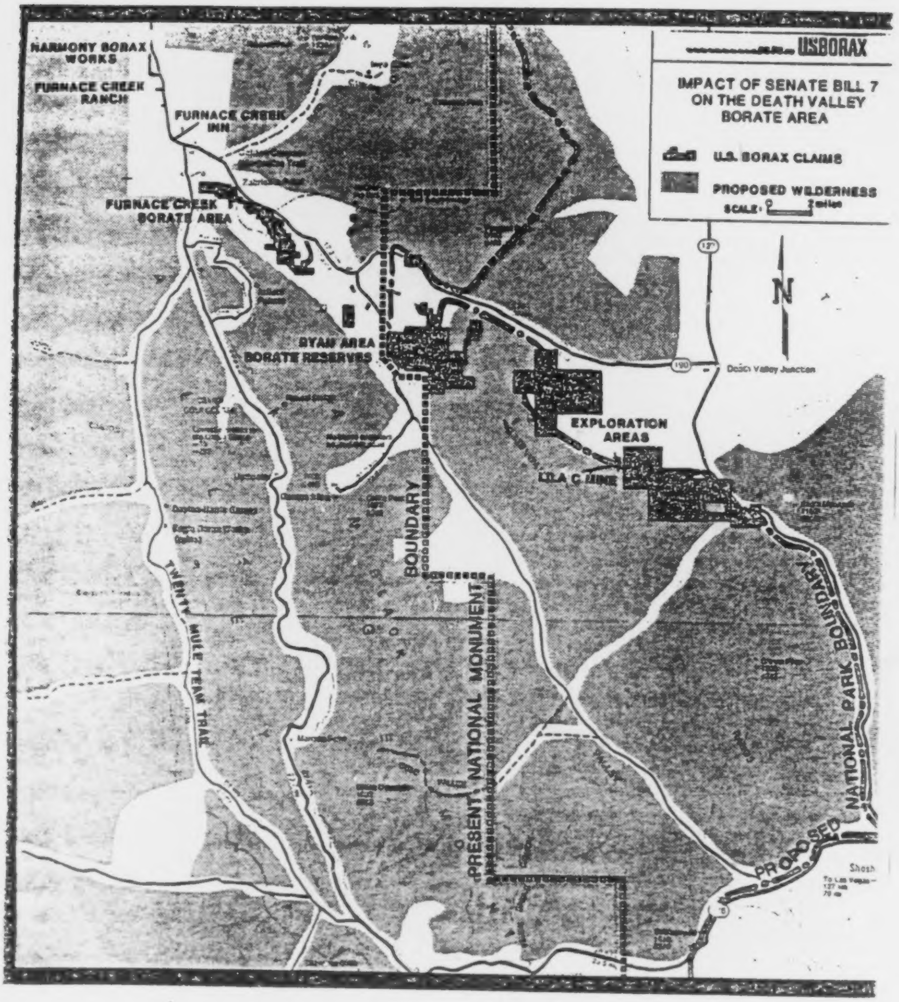
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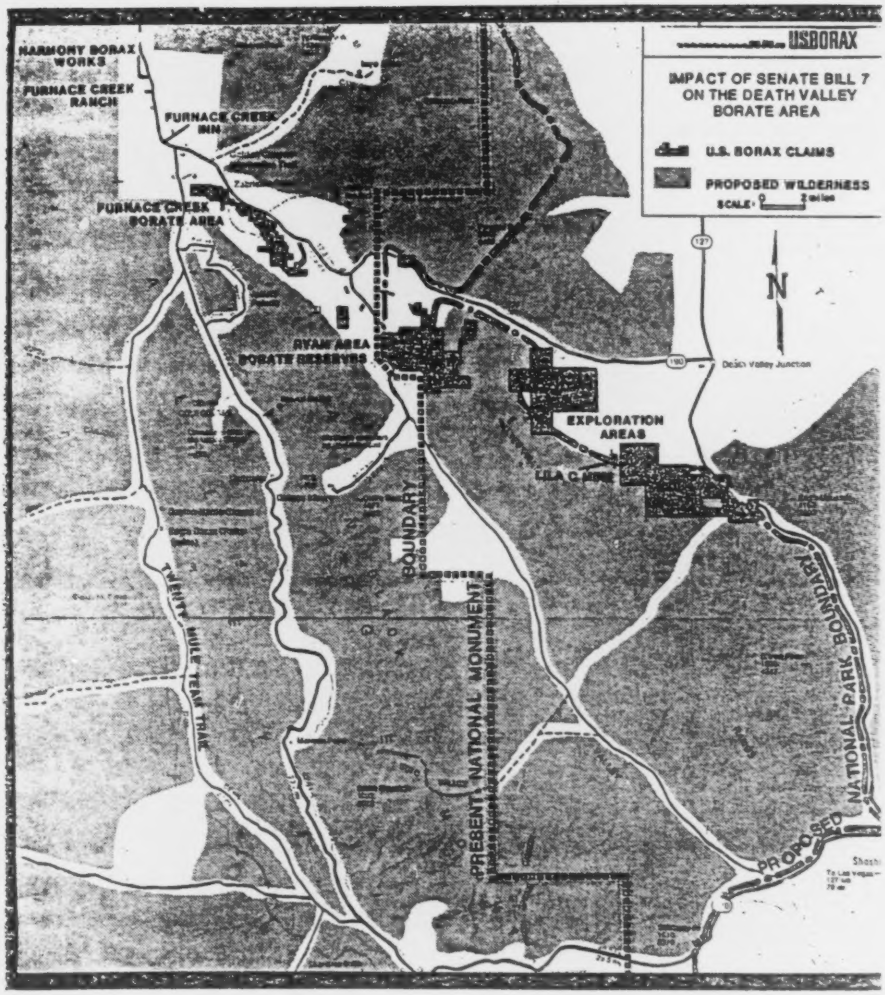
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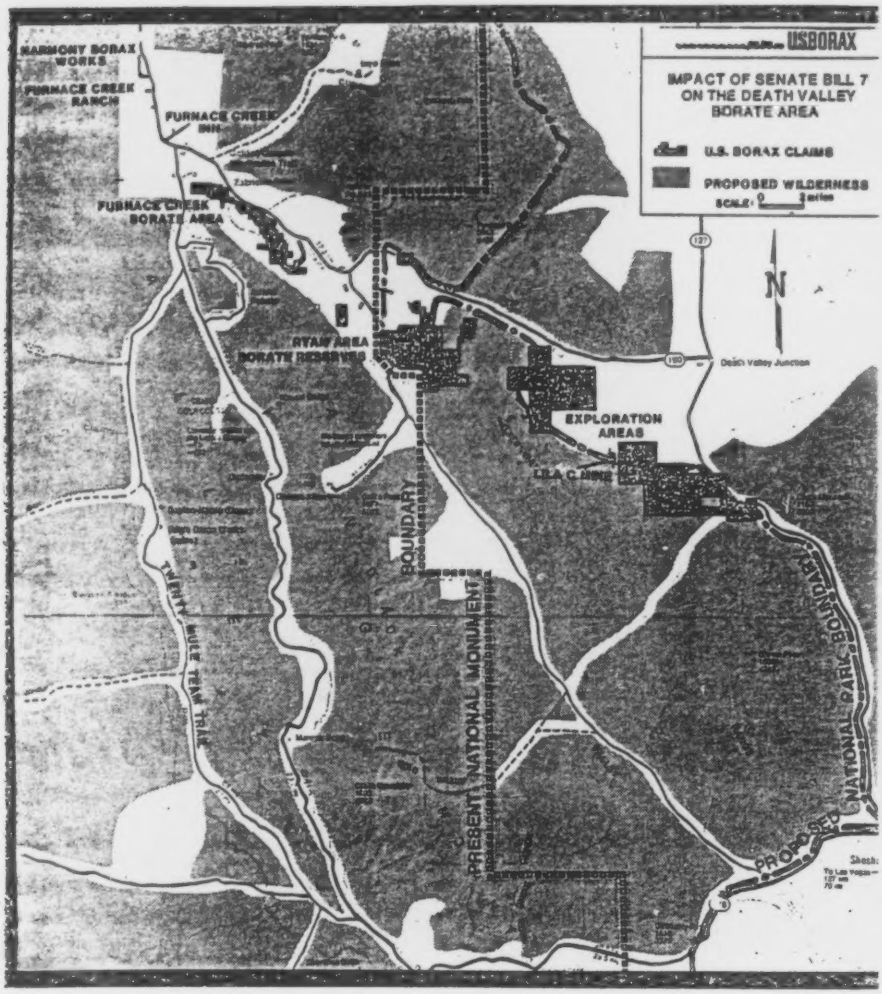
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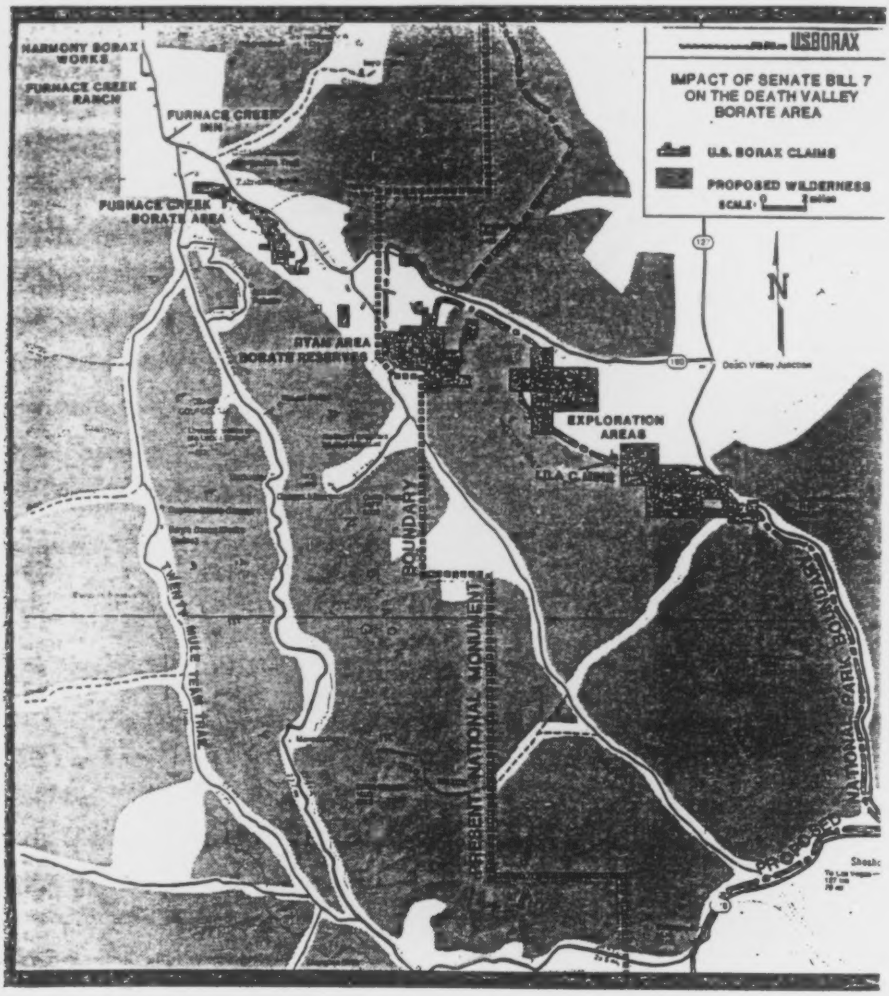
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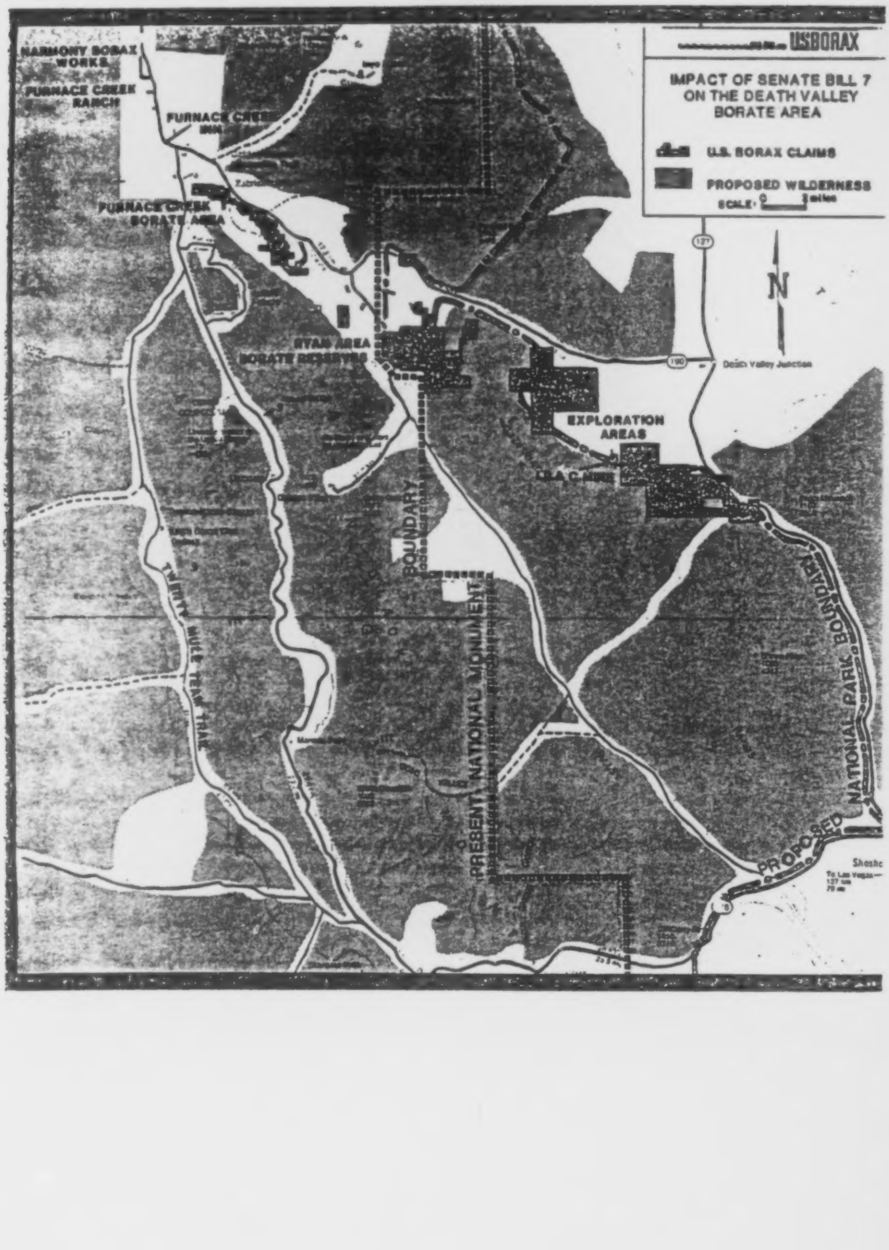
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AUG 21 1987
GOVERNMENT & PUBLIC
AFFAIRS DEPARTMENT

THE WILDERNESS SOCIETY

GEORGE T. FRAMPTON, JR.
PRESIDENT

August 18, 1987

Eugene D. Smith
United States Borax & Chemical Company
3075 Wilshire Blvd.
Los Angeles, CA 90010

Dear Mr. Smith:

As you may know, The Wilderness Society has been actively involved in the effort to designate National Parks and wilderness in the California Desert Conservation Area (CDCA). Since you are lucky enough to work in the region, you are aware of the unique and important biological, scientific, recreational, and scenic resources that we are striving to protect.

We also recognize the importance of the Desert's mineral resources to our nation. The region contains significant rare earth, borate, sodium and calcium compound reserves. But, based on our review and analysis of available data, we conclude that the California Desert Protection Act (S.7, H.R. 371) does not represent a substantial conflict with our shared desire to ensure access to important mineral reserves.

You will find enclosed a copy of our report, Minerals In The California Desert Conservation Area. The report, developed by the Society's mineral resource economist Dr. W. Thomas Goerold, summarizes an analysis of information from various agencies on minerals and mining in the CDCA. The report's conclusion is that the proposed legislation will not significantly impact mineral production in the California Desert.

We are interested in any views you might have on this report and would be pleased to have the benefit of your thoughts. We

1400 EYE STREET, N.W. WASHINGTON, D.C. 20005
(202) 842-3400

are particularly interested in knowing of specific conflicts which are not apparent from the agency data available to us.

I look forward to hearing from you.

Sincerely,

George T Frampton

George T. Frampton, Jr.

THE WILDERNESS SOCIETY

MINERALS IN THE
CALIFORNIA DESERT CONSERVATION AREA

by

W. Thomas Goerold

July, 1987

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(202) 842-3400

SUMMARY

Analysis based on federal government data shows that none of the proposed new park or wilderness areas in the California Desert Protection Act contain known deposits or reserves of strategic minerals. Most of the mineral wealth of the California desert is limited to a few locations in a small portion of the 25 million acre California Desert Conservation Area. Virtually all of the important commodities have all or the vast majority of their production and reserves outside of the proposed new parks and wilderness regions. Furthermore, under the California Desert Protection Act, any existing claimholders who have discovered economic mineral deposits will continue to have the right to mine.

INTRODUCTION

The California Desert Conservation Area (CDCA) contains 25 million acres of land in southern California, of which over 12 million acres are public lands administered by the Bureau of Land Management (BLM). The CDCA was created in 1976 by the Federal Lands Policy and Management Act (FLPMA). As stated in FLPMA, the BLM was instructed to prepare a long range plan for the management, use, development, and protection of the public lands within the CDCA. The Congress also mandated a wilderness review of the CDCA lands. In 1980, the BLM released it's CDCA Plan. The Plan originally recommended approximately 2.1 million acres, or eight percent of the CDCA, for wilderness protection. Subsequent Plan amendments have reduced the area recommended for wilderness status to 1.9 million acres.

Earlier this year, Senator Alan Cranston introduced the California Desert Protection Act (S. 7). This bill proposes to expand the boundaries of Death Valley and Joshua Tree National Monuments and to change their status to national parks. The legislation would also establish the Mojave National Park and create 81 BLM wilderness areas. Total new park and wilderness acreage proposed by the California Desert Protection Act amounts to approximately 7.5 million acres.

Opponents of the California Desert Protection Act claim that the new park or wilderness designation for many areas would create serious conflicts for current and future uses of the land. One of their foremost concerns is the "lock-up" of lands in wilderness or park status that may hold many strategic and other valuable minerals.

Spokesmen for the mineral industries maintain that the entire California desert is mineralized. They argue that the enactment of the California Desert Protection Act would result in the loss of thousands of jobs and related economic activity.

In reality, the legislation recognizes all existing mineral production and valid claims in the California Desert Conservation

Area. All valid mineral rights associated with existing mining claims or mineral leases are legally protected under provisions of the Act. All mineral activity conducted on valid claims in the desert region would be allowed to continue.

The purpose of this report is to assess the importance of minerals in the 25 million acres of the CDCA. Additionally, it investigates the distribution of production and mineral reserves (identified minerals that are economic to produce under current economic conditions and may be mined in future years) in the California desert and evaluates the proposed legislation for potential mineral conflicts.

METHODOLOGY

A. Data Sources

The mineral potential of the CDCA was assessed with data from federal government sources. Most of the data for this study were obtained from the publications issued by the BLM on the wilderness and mineral attributes of the CDCA. Foremost among the BLM publications is the multi-volume CDCA Plan and Final Environmental Impact Statement. These volumes, including the Wilderness and Geology-Energy-Mineral Appendices, provide specific data on current and historical commodity production, values, tonnages, reserves, and resources.

U.S. Geological Survey (USGS) and Bureau of Mines (USBM) Office of Technology Assessment (OTA), and Federal Emergency Management Agency (FEMA) publications provided background information on the various commodities and their properties that are important to the mining industry in the U.S., California, and the California desert. A series of USGS and USBM documents also describe the mineral potential of some of the WSAs in the CDCA.

The most detailed material for this report was secured from extensive files located in the BLM offices in Riverside, California. BLM files in Riverside provided comprehensive information on the exact location of mines, mineral occurrences, and other pertinent data for the entire 25 million acres of the CDCA. These files proved to be an invaluable aid in determining the mineral endowment of the desert region. Unfortunately, a comparison between the mineral information in the BLM office in Riverside and the mineral information reported in the BLM Environmental Impact Statement Wilderness Appendix showed widespread discrepancies. In order to minimize these contradictions, in the event of a conflict between the two sources, the data reported in this study are based on the information contained in the BLM files in Riverside.

B. Determine Important Mineral Commodities

The initial task involves assessing the importance of the various commodities found in the region. Not all materials found in the California desert are equally important to the mineral industry. Therefore, this study provides criteria to establish the importance of various commodities in a national, state, and regional context.

For the purpose of this study, a mineral commodity is defined as important if it meets one or more of the following criteria:

- it is a strategic mineral;
- it has significant current or historical production in the California desert;
- it is found in few or no other places in the country;
- it has economically-producible reserves in the region;
- it supports large employment in mining or processing of the material in the CDCA; or
- it holds a significant share of state or national production of the mineral.

C. Determine Impacts of the California Desert Protection Act on Mineral Production and Reserves

In addition to investigating the importance of minerals to the California desert as a whole, this study analyzed whether the important mineral commodities in the CDCA were in conflict with the sites proposed for new park or wilderness protection within the California desert. Because mining is an important economic activity in the California desert region, efforts were made to exclude areas of importance to the mineral industry when the new park and wilderness boundaries were proposed. This study identifies the subset of regions within the CDCA that are recommended for new park or wilderness status that may have mineral conflicts.

A potential mineral conflict is indicated when a proposed new park or wilderness region contains current reserves or production of an important commodity (important commodities are defined above). Mineral assessment information located in the BLM files in Riverside provided the data for establishing the boundaries and mineral information to identify a possible mineral conflict.

RESULTS

A. Strategic Minerals

Fourteen strategic minerals have been identified for the U.S. Congress as follows[1]:

1. chromium
2. cobalt
3. manganese
4. platinum group minerals
5. bauxite/alumina
6. beryllium
7. columbium
8. diamond (industrial)
9. graphite (natural)
10. rutile
11. tantalum
12. tin
13. titanium sponge
14. vanadium

None of these strategic minerals are currently produced or have reserves in the 25 million acre California Desert Conservation Area. Prior to 1945, 48,000 pounds of tin was produced from one mine in the CDCA, but outside of proposed new park and wilderness areas.

Additionally, a small quantity of manganese was produced from the CDCA, largely outside of proposed new park and wilderness areas. The production of this material was subsidized through price supports administered by the federal government during World War II. According to the U.S. Bureau of Mines[2] "...[domestic land-based resources of manganese] should not be developed except in a dire emergency". In an emergency situation the two best deposits for development are located in the Cuyauna Range of Minnesota and in Aroostook County, Maine.

B. Other Important Minerals Found in the CDCA

In 1984, the State of California produced non-fuel minerals with a market value of $2 billion. At least $600 million of this production was extracted from the 25 million acre California Desert Conservation Area. Based on the best information available, three commodity groups comprise the majority of the value of mineral production from this area. Ranked according to their 1984 value, the mineral commodity groups are: borates ($457 million), sodium compounds (about $100 million), and rare earths ($54 million).

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[1] Office of Technology Assessment, 1985, Strategic Minerals: Technologies to Reduce U.S. Import Vulnerability, p. 52.

[2] U.S. Bureau of Mines, 1985, Mineral Facts and Problems, p. 486.

In 1984, sand and gravel valued at $360 million was produced from at least 528 locations spread throughout California. By volume and number of mines, the largest single commodity produced in the CDCA is sand and gravel. There are approximately 123 active mines of all types in or near the California desert. Fifty-four of the 123 mines (44 percent) produced sand and gravel, a very abundant resource throughout the region and the state. There are approximately 405 other sand and gravel operations in California that lie outside of the CDCA.

Using the above mineral production figures, as well as criteria listed in the previous section, important mineral commodities were determined and ranked in order of decreasing importance:

(1) borates, rare earths, and sodium compounds;

(2) gold, silver, tungsten, talc; and

(3) gypsum, and sand and gravel.

The areas of production and known reserves of most of these commodities in the desert area are concentrated in just a few locations. Most or all of the production and reserves of these important minerals are located outside the proposed wilderness boundaries, and largely outside of the proposed new park areas. Talc producers in Death Valley National Monument will continue to hold mineral rights under the proposed legislation.

According to BLM data, there are no known reserves of gypsum in the CDCA. As depicted in Table 1, tungsten and rare earths reserves in the CDCA each have all of their reserves located in one deposit. Also, at least 90 percent of the reserves of borates, sodium minerals, and silver are located in just one or two locations in CDCA. Although the CDCA is undoubtedly rich in some mineral commodities, the bulk of the reserves of most of these minerals is located in one or a few limited areas, largely or completely outside of the proposed new park and wilderness areas.

Table 1 - Distribution of the Mineral Reserves of Selected Minerals in the California Desert Conservation Area.

Mineral and Location	Percent of Reserves
	(%)
Borates	
Searles Lake	47
Boron	47
Rare Earths	
Mountain Pass	100
Sodium Compounds	
Searles Lake	97
Dale Lake	3
Silver	
Calico District	99
Tungsten	
Atolia	100

Source: BLM CDCA Plan Appendix XIV: Geology-Energy-Minerals.

Ninety-four percent of the borates reserves in the CDCA are located in just two areas that are adjacent to the regions currently mined and outside of projected park and wilderness regions. The borates reserves known in these two areas are sufficient to satisfy current total U.S. demand for 42 years.

All known rare earths reserves in the California desert exist adjacent to the Mountain Pass Mine. A small number of claims lie in the proposed Mojave National Park. Yet, the rare earths reserves outside of the proposed park could meet the current level of U.S. consumption for at least 140 years. Also, if rare earths claims within the proposed Mojave National Park are valid, the pending legislation would not deny the claimholders any future mineral rights.

Ninety-seven percent of all sodium compound reserves in the CDCA are also located in one area coinciding with one of the two areas of borate reserves. In addition to large amounts of borate reserves, the Searles Lake mines contain huge quantities of sodium reserves. According to the BLM data[3] "Searles Lake ... is expected to be in production well past the year 2000. The economic feasibility of other deposits going into production in competition with Searles Lake is very doubtful." Also, [the reserves of sodium carbonate] "at Searles Lake are large and are estimated to have a production life of 770 years at the present annual [production] rate of 1,400,000 short tons."

CONCLUSION

The preceding analysis reveals that none of the proposed park or wilderness areas in the California Desert Protection Act hold any operating deposits or reserves of strategic minerals. The majority of the mineral wealth of the California desert is represented by a few commodities found in a small part of the 25 million acre California Desert Conservation Area. Nearly all of these important mineral commodities have all or the vast majority of their production and reserves outside of the proposed new parks and wilderness regions. Also, any area that is now covered by a valid mining claim that has a discovery of economic minerals will be open to future mineral activity under the California Desert Protection Act.

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[3] Bureau of Land Management, 1982, Final Environmental Impact Statement and Proposed Plan, California Desert Conservation Area, Appendix XIV: Geology-Energy-Minerals (G-E-M), pp. 132, 154.

US BORAX

September 10, 1987

Mr. George T. Frampton, Jr.
President
The Wilderness Society
1400 Eye Street, N.W.
Washington, D.C. 20005

Dear Mr. Frampton:

We received your letter of August 18, 1987 and attached report entitled "Minerals in the California Desert Conservation Area" by Dr. W. Thomas Goerold. We take issue with your position that S.7 does not represent a substantial adverse impact on the mineral resource value of the California Desert Conservation Area (CDCA). Futhermore, Goerold's report is flawed and does not support your position.

Your position that placing 10.4 million acres (42%) of the CDCA and 72% of the non-military and non-private land available for reclassification in National Parks and/or Wilderness will not adversely impact the value of the existing and potential mineral resources of the CDCA is erroneous and unsupportable. Goerold's report and your conclusions are wrongly based on:

- A flawed analysis of an adversely limited and discriminatory evaluation of existing data.
- The flawed position that known producing mineral deposits have value but known non-producing reserves and potential reserves (long-term reserves) have no value.
- The flawed position that Park and/or Wilderness designation will not adversely encumber the operation of or access to valid mining claims.

In summary, you have based your position on a very narrow interpretation of limited information.

UNITED STATES BORAX & CHEMICAL CORPORATION • 3075 WILSHIRE BOULEVARD • LOS ANGELES, CA 90010-1294 • (213) 381-5311
MAIL ADDRESS: P.O. BOX 75128, SANFORD STATION, LOS ANGELES, CA 90075-0128

Your position that none of the park lands or wilderness areas proposed by S.7 include any reserves of strategic minerals is unsupportable. Neither you nor anyone else knows what reserves of strategic or non-strategic minerals may exist in most of the areas proposed by S.7 for parks and/or wilderness. The mineral evaluations necessary to determine areas of potential mineral value have not been conducted on most of the lands in question, and those that have been conducted are inconclusive.

The assessment of the mineral potential of the CDCA by the BLM is very limited. The mineral assessments that have been conducted are by the U.S. Geological Survey or the California Division of Mines and Geology, and most of these have not yet been published. These assessments generally ignore the salines, especially borates and brines (both of which occur in the CDCA). Also, these are surface evaluations done by geologists who are not specialists in such deposits. The limitations of these mineral assessments are covered in more detail in the enclosed copies of our July 23, 1987, testimony and August 3, 1987, submission to the Senate Subcommittee on Public Lands, National Parks and Forests.

The Goerold report fails to:

- Point out that in all likelihood major discoveries will be found in the CDCA where only prospects or small mines now exist.
- Consider a changing list of stragetic minerals with differing future demands. The fact that manganese, tin and other minerals were produced from the CDCA when needed (some with government support), attests to such unpredictable changing demands.
- Consider precious metals, their demand, their productive history in the desert and their present importance. The fact that California is now the second largest gold producing state in the nation (the U.S. is the second largest gold producing nation) and the fact that nearly half of this gold production comes from within the CDCA is ignored.

  Much more potential for gold exists within the CDCA and some of the U.S.G.S. assessments outline the more obvious targets. The CDCA has also good potential for silver, and as the price of silver improves, the potential for silver exploration and development in the CDCA will increase provided the potential lands are open to mineral entry.

The Georold assessment is typical of that of a mineral economist and not that of an economic geologist. The former assesses present demands, counts material in the warehouse, assumes a consumption rate, and draws conclusions on the need for future capacity. An economic geologist assesses where future discoveries are more likely to be found in order to meet long-term future demands as well as the immediate and short-term requirements.

The mineral industry must consider long-term demands, present and future operating requirements and restrictions, the depletion of non-renewable high-grade resources, and new mining and extractive technologies that may transform lower grade reserves into economic ore bodies. The industry must also keep in mind that advances in new mineral exploration techniques may allow better evaluations of the subsurface and bring volumes of rock previously unaccessible to the scrutiny of man.

To assume, as Georold has, that all the mineral resources of value in the CDCA are presently known and in production is to contend that future resources have no value. An economist may make such an argument but assessing the national mineral endowment cannot be reduced to a simplistic, snap-shot, one-time, number-crunching study. Nor can a similar study accurately portray any region's mineral value to the nation.

Your position that the vast majority of the production of the few mineral commodities of importance produced in the CDCA come from areas outside the proposed parks and wilderness may be true, but only because the statement is limited to commodities being produced and because it ignores the importance of known non-producing reserves and potential reserves. To suggest that only mineral commodities (a product of mining) are of value is very misleading.

In this regard you imply that reserves capable of meeting a present production demand of 42 years, in the case of borates; 140 years, in the case of rare earths; and 770 years, in the case of sodium carbonate, are adequate for future generations.

When evaluating the needs of future generations, I am sure you will agree that 770 years it not a long time, 140 years is just a short time, and 42 years is in the immediate future.

Using your criteria of 42 years of borate reserves as being adequate for future generations, someone could suggest that presently protected lands within the CDCA are adequate to meet the needs of future generations for the next 42 years. We know you would not accept this position, and we question the integrity of arguments that imply that any social need (including the basic needs of food, clothing and shelter) be viewed as a short-term responsibility.

Your position that existing and valid mining claims will be open to future mineral activity under the California Desert Protection Act is true in that the withdrawals and reservation proposed by S.7 will (by law) be subject to prior and existing rights (valid claims). However, suggesting that valid claims will be open to future mineral activity is a gross misrepresentation. The rights protected by law and the actions allowed within National Parks, National Monuments and Wilderness are not the same.

The Mining Law of 1872, like the Homestead Law of 1862 which promoted the development of the agriculture base of the nation, was passed by Congress and signed into law to promote the development of the nation's mineral resources. In both cases the incentive was assurance of ownership of the land or minerals developed and the protection of tenure while meeting the requirements of ownership. Unlike agriculture, the national need to continue the discovery of new mineral resources continues today, and private enterprise, operating under the Mining Law, is the most cost-effective way for this to happen.

Subject to certain limitations and requirements, the Mining Law of 1872 allows for the acquisition of mineral deposits within open public domain by the location of mining claims. It allows a claim holder to hold his unperfected claims against third parties while diligently pursuing discovery and to acquire an access road to his claim. The Mining Law also allows the owner of a valid mining claim to locate mill site claims on certain lands for facilities necessary to the development and operation of such mining claims. The requirement that such mill site claims be located on non-mineral land usually dictates that these claims be located after the claim holder has established the horizontal extent and value of his deposit.

The withdrawal of public domain land for a National Park or Wilderness as proposed by S.7 would close this land to any further entry under the Mining Law. Any claims not yet validated (perfected) are void, regardless of the efforts of a claimant to diligently pursue discovery. Mill site claims not yet located are precluded regardless of the requirement that they be on non-mineral land or the necessity of the mill site claims to the development of the deposit.

An access road cannot be denied but its location within a Park or Wilderness may be dictated with little, if any, consideration for construction and operating costs.

Permits for construction and operation of a mine within a Park or Wilderness will require considerably more time and environmental data; thus higher costs. These permits will probably be opposed, in principle, by one or more environmental group which also adds to the cost of development. These permit requirements and such opposition by environmental groups may not prevent exercise of valid rights, but they can make it economically, if not physically, impossible.

To suggest that S.7 won't damage valid mining claims is absurd and every environmental group knows it. As developers of the Quartz Hill project in Southeast Alaska (13 years and over $100,000,000 expended and still in the permitting phase) and the developers of the Noxon Project in the Cabinet Mountains of Montana ($4.2 million expended and still in the development drilling phase), we know all too well that most environmental groups are experts at opposing the rights of mining claimants to explore and develop claims within and adjacent to wilderness areas.

Your statement "In reality, the legislation recognizes all existing mineral production and valid claims in the California Desert Conservation Area" is not true.

As stated in our enclosed presentations to the Subcommittee on Public Lands, National Parks and Forests, U.S. Borax owns or holds 6,000 acres of patented and unpatented mining claims in the Ryan area of Death Valley containing an estimated 27 million tons of borate ore. S.7 would surround this area with National Park and Wilderness land making it difficult to re-open and operate these known borate reserves.

U.S. Borax also owns an estimated 30 million tons of borate ore on 4,000 acres of patented land within DVNM. S.7 proposes the designation of wilderness adjacent to these properties and, here again, this could damage the value of these reserves.

U.S. Borax holds about 13,000 acres of unpatented claims and leases in an area extending southeast of the Ryan area to and beyond the Lila C mine. Geologically, this area has excellent potential for borate reserves, and we are actively exploring the area. S.7 would place much of this area in National Parks and Wilderness, thus, damaging the ability of anyone to explore this area and to develop the ore deposits that may be found.

S.7 would adversely impact these known borate reserves as well as many areas of good borate potential within the CDCA despite the fact that borates meet 5 of your 6 requirements for an important mineral commodity.

The Wilderness Society is supporting a bill that totally disregards valid property rights and the commitments of Congress in passing the Mining Law of 1872 and the Federal Land Policy Management Act of 1976. Your justification for such action is based on flawed conclusions. Therefore, we urge you to consider and evaluate all available information and review the language of S.7 for the purpose of protecting the rights and future of all the public.

Sincerely,

Eugene D Smith

Eugene D. Smith
Vice President
Government & Public Affairs

EDS:gw

Encls.

cc: Senator Dale Bumpers w/encl.
Senator Malcolm Wallop "
Congressman Morris K. Udall w/encl.
Congressman Don Young w/encl.
Mr. Keith Knoblock, American Mining Congress w/encl.
Mr. Bill Tilden, California Mining Association "
Mrs. Susan Moya, U. S. Chamber of Commerce "

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON S. 7, THE CALIFORNIA DESERT PROTECTION ACT OF 1987. OUR TESTIMONY WILL REFLECT THE VIEWS OF THE NATIONAL ASSOCIATION OF COUNTIES AND ITS MEMBERS WHICH JUST LAST TUESDAY, JULY 14, 1987, UNANIMOUSLY REAFFIRMED ITS OPPOSITION TO S. 7.

MR. CHAIRMAN, THERE'S AN OLD SAYING: " IF IT AIN'T BROKE, DON'T FIX IT". WELL THE CALIFORNIA DESERT IS NOT BROKE. ON THE CONTRARY, IT IS A SHINING EXAMPLE OF FEDERAL LAND USE PLANNING AND MANAGEMENT THAT IS MOST DEFINITELY WORKING WITH THE FULL SUPPORT AND PARTICIPATION OF THE LOCAL GOVERNMENTS IN THE AREAS DIRECTLY IMPACTED.

THE UNIQUE VALUES OF THE CALIFORNIA DESERT WERE GIVEN SPECIAL CONSIDERATION IN THE PASSAGE OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT IN 1976. THAT ACT, PL 94-579, CONTAINED IN SECTION 601 A CONGRESSIONAL FINDING THAT THE CALIFORNIA DESERT ENVIRONMENT WAS A TOTAL ECOSYSTEM THAT IS EXTREMELY FRAGILE, "EASILY SCARRED, AND SLOWLY HEALED". FOR THOSE AND OTHER REASONS THE SECRETARY OF INTERIOR WAS DIRECTED TO PREPARE A LONG RANGE COMPREHENSIVE PLAN FOR THE PROTECTION OF PUBLIC LANDS WITHIN THE

NATIONAL
ASSOCIATION
of
COUNTIES

440 First St. NW, Washington, DC 20001
202/393-6226

STATEMENT FOR THE RECORD

BY

THE NATIONAL ASSOCIATION OF COUNTIES

BEFORE

THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

CHAIRMAN, THE HONORABLE DALE BUMPERS

JULY 21, 1987

WASHINGTON D.C.

CALIFORNIA DESERT CONSERVATION AREA TO BE COMPLETED IN 1980. FURTHERMORE, THAT PLAN WAS TO BE PREPARED WITHIN THE FRAMEWORK OF THE PRINCIPALS OF MULTIPLE USE AND SUSTAINED YIELD WHICH CONGRESS AGREED IN FLPMA WERE TO BE THE FOUNDATION FOR MANAGING PUBLIC LANDS IN THE FUTURE.

THE ORIGINAL CALIFORNIA DESERT PLAN WAS COMPLETED WITHIN THE TIME FRAME MANDATED BY CONGRESS. IN 1980, AFTER THREE YEARS OF COMPILING DATA, HOLDING PUBLIC HEARINGS, AND CONSULTING WITH ALL THE AFFECTED INTEREST GROUPS, THE BUREAU OF LAND MANAGEMENT (BLM) ISSUED THE CALIFORNIA DESERT PLAN. IN THE PROCESS OF DEVELOPING THE PLAN, THE FEDERAL GOVERNMENT SPENT MORE THAN $8 MILLION DOLLARS AND, TO QUOTE THE SECRETARY OF INTERIOR AT THE TIME, CREATED "...A MULTIPLE USE PLAN THAT REFLECTS AN UNPRECEDENTED AMOUNT OF PUBLIC INPUT AND INVOLVEMENT."

FOR THE COUNTIES IMPACTED BY THE CALIFORNIA DESERT, THE PLANNING PROCESS THAT WAS ESTABLISHED BY BLM DIRECTLY INVOLVED THE LOCALLY ELECTED OFFICIALS AT ALL OF THE KEY DECISION POINTS THAT LED TO THE FINAL DESERT PLAN. IN FACT, THAT PROCESS REMAINS AS AN OUTSTANDING MODEL FOR INVOLVEMENT OF ELECTED OFFICIALS IN THE PLANNING AND MANAGEMENT OF FEDERALLY OWNED PUBLIC LANDS. IT HAS ESTABLISHED A CONCRETE METHODOLOGY TO ACHIEVE THE REQUIREMENTS IN SECTION 202 OF FLMPA THAT TO THE EXTENT POSSIBLE, FEDERAL LAND USE PLANS SHALL BE CONSISTENT WITH STATE AND LOCAL PLANS.

WE WOULD LIKE TO EMPHASIZE THE INTERGOVERNMENTAL COOPERATION

ASPECTS OF HOW THE DESERT PLAN WAS DEVELOPED. FOR BOTH FEDERAL PLANNERS AND STATE AND LOCAL OFFICIALS, THE PROCESS FORCED EACH TO BECOME MORE AWARE OF THE OTHERS RESPONSIBILITIES AND CONCERNS. AND THE SAME APPLIES FOR ALL THE OTHER GROUPS WITH INTERESTS IN THE CALIFORNIA DESERT. AS AN EDITORIAL IN THE OCTOBER 13, 1980, EDITION OF THE LOS ANGELES TIMES POINTED OUT: "THE PLAN APPEARS TO PROTECT THE INTERESTS OF PRESERVATIONISTS WHILE RECOGNIZING NEEDS OF MINERS, RANCHERS, AND UTILITY COMPANIES. IT IS A BALANCED PLAN NO ONE GROUP WILL BE ENTIRELY HAPPY WITH AND THAT'S A GOOD SIGN."

THE ISSUE OF BALANCE IS A REAL ONE. NOT ONLY FOR COUNTIES IN THE CALIFORNIA DESERT BUT FOR COUNTIES ACROSS THE COUNTRY WHERE MASSIVE FEDERAL LAND OWNERSHIP PUTS MANY RURAL COMMUNITIES AT THE MERCY OF FEDERAL AGENCIES. IT IS CRITICAL IN THAT SITUATION THAT A PROCESS EXISTS WHEREBY COMMUNITY STABILITY IS AS IMPORTANT A CONSIDERATION AS THE NEED FOR ADDITIONAL WILDERNESS DESIGNATIONS. OFTEN IN THE HIGHLY CHARGED, EMOTIONAL ATMOSPHERE OF PUBLIC HEARINGS ON CONTROVERSIAL ISSUES, PUBLIC OFFICIALS ARE PAINTED BY SOME AS SIMPLY PRO DEVELOPMENT OR ANTI WILDERNESS. FOR THE MOST PART WHAT THEY ARE FOR IS A PROPER BALANCE AMONG ALL THE COMPETING INTERESTS. PUBLIC OFFICIALS ARE ELECTED TO REPRESENT THEIR COMMUNITIES AND TO MAINTAIN OR ENHANCE THE ECONOMIC VITALITY THAT ENABLES RESIDENTS TO LIVE WHERE THEY CHOOSE. IT IS WHEN THOSE INTERESTS AND THEIR COMMUNITIES ARE THREATENED BY THE WITHDRAWAL OF THE MEANS TO MAINTAIN ECONOMIC STABILITY THAT OFFICIALS ARE FORCED TO STRONGLY OBJECT.

SUCH IS THE CASE IN THIS PROPOSED LEGISLATION, S. 7. AFTER YEARS OF STUDY, COUNTLESS PUBLIC INVOLVEMENT, THE EXPENDITURE OF VAST FEDERAL DOLLARS TO SIMPLY DROP IN A BILL THAT WOULD CREATE GREAT AMOUNTS OF NEW WILDERNESS AREAS AND NATIONAL PARKS WITHOUT CONSIDERATION OF THE SOCIAL AND ECONOMIC IMPACTS ON THE SURROUNDING COMMUNITIES IS A VIOLATION OF THE INTERGOVERNMENTAL PARTNERSHIP THAT HAS EXISTED SINCE THE PASSAGE OF FLPMA. FURTHERMORE, THE BILL WOULD SHIFT THE BALANCE CONTAINED IN THE CONCEPT OF MULTIPLE USE TO ONE WHERE PRESERVATION AND PROTECTION ARE MORE EQUAL THAN OTHERS. UNDER THE MORE RESTRICTIVE DESIGNATIONS OF NATIONAL PARKS AND WILDERNESS AREAS, THE ECONOMIC VITALITY OF RURAL COMMUNITIES AND THE WAY OF LIFE OF THEIR RESIDENTS WILL BE THREATENED. RESTRICTIONS ON GRAZING, MINING, AND OTHER REVENUE PRODUCING ACTIVITIES WILL ALL HAVE A DETRIMENTAL IMPACT ON THE CALIFORNIA DESERT COMMUNITIES.

THE LEGISLATION MIGHT EVEN BE CONSIDERED NECESSARY BY SOME IF THERE WERE NO OR LITTLE PROTECTION CURRENTLY AFFORDED THE CALIFORNIA DESERT. THAT IS SIMPLY NOT THE CASE. BLM, WHICH MANAGES OVER HALF THE LAND IN THE CALIFORNIA DESERT CONSERVATION AREA, HAS THE PRIME RESPONSIBILITY FOR IMPLEMENTATION OF THE DESERT PLAN. ALMOST 6 MILLION ACRES OF BLM LANDS ARE MANAGED ON A LIMITED USE PRINCIPAL TO PROTECT THE UNIQUE NATURAL, SCENIC, ECOLOGICAL, AND CULTURAL RESOURCES IN THE DESERT. ANOTHER 3 MILLION ACRES IS MANAGED ON A MODERATE USE BASIS IN WHICH BOTH RECREATION AND ECONOMIC ACTIVITY ARE PERMITTED. ALSO, THE PARK

SERVICE ADMINISTERS ABOUT 3 MILLION ACRES FOR RECREATION AND PROTECTION PURPOSES. BLM IS IN THE FINAL STAGES OF ITS WILDERNESS DESIGNATION STUDIES WHICH HAS TAKEN PLACE UNDER CURRENT, EXISTING AUTHORITIES. IN FACT, THE CALIFORNIA DESERT IS BEING WELL PROTECTED UNDER CURRENT AND EXISTING AUTHORITIES.

ANOTHER FEATURE OF THE PLANNING AND MANAGEMENT SYSTEM NOW IN PLACE FOR THE DESERT IS AN AMENDMENT PROCESS WHICH ALLOWS FOR CHANGES TO THE EXISTING PLAN. AMENDMENTS ARE CONSIDERED, GIVEN AN ENVIRONMENTAL ASSESSMENT, AND A FULL PUBLIC DISCUSSION ON THEIR MERITS. THE PROCESS IS OPEN, INCLUSIVE, AND GIVES ALL INTERESTS A CHANCE TO EXPRESS THEIR CONCERNS ON THE ISSUES. GIVEN THE MANY CONFLICTING DEMANDS, IT IS NEVER EASY TO COME TO A CONSENSUS OR EVEN RELUCTANT AGREEMENT AMONG THE MANY USERS OF THE PUBLIC LANDS. HOWEVER, WITH THE CURRENT SYSTEM IN PLACE, IT MAY BE AS FAIR AND EQUITABLE AS IT CAN BE.

COMMON SENSE WOULD DICTATE THAT WITH THE AMOUNT OF TIME, MONEY, AND EFFORT THAT WENT INTO CREATING A PROCESS THAT WORKS, THAT PROVIDES A BALANCING OF ALL THE INTERESTS IN ONE OF THE COUNTRIES MOST UNIQUE AREAS, AND THAT HAS SERVED AS A MODEL FOR MULTIPLE USE LAND PLANNING AND MANAGEMENT THROUGHOUT THE COUNTRY, THAT CONGRESS WOULD GIVE GREAT PAUSE BEFORE THROWING AWAY SUCH A SYSTEM IN ONE LEGISLATIVE FELL SWOOP. WE RESPECTFULLY SUGGEST, MR. CHAIRMAN, THAT THERE ARE OTHER HIGHER PRIORITY AND MORE PRESSING ISSUES THAT NEED ATTENTION BEFORE ATTEMPTING TO FIX SOMETHING THAT IS NOT BROKEN.

The following letters were received by the Subcommittee and signed by many individual citizens.

The Honorable Dale Bumpers
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers;

I am submitting this letter as written testimony that I am opposed to Senate Bill 7.

This bill was written by and for one special interest group. Alternative legislation is being introduced to Congress, Bills which consider the economic, recreational and wilderness needs of California.

S.B. 7 is a threat to our States public lands. I request that Public Hearings be held in California so that the people of California may demonstrate their opposition to this bill.

Sincerely,

The Honorable Dale Bumpers
Energy and Natural Resources Committee
Senate Office Building
Washington, D. C. 20510

Re: Senate Bill #7
The California Desert Protection Act.

Dear Senator Bumpers:

I would officially like to go on record as being counted against Senate Bill #7, the California Desert Protection Act.

I would also like to be counted in favor of the Federal Land Policy Management Act of 1976 of which has already been supported legally by the Federal Courts and over 8.3 million dollars has been spent to insure fairness and conservation.

Very truly yours,

July 13, 1987

Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D. C. 20510

Attention: Senator Alan Cranston
Diane Nagel, SD-308

RE: S 7, proposed Desert Wilderness Act of 1987

Gentlemen:

We understand that S 7 contemplates classifying up to 9 million acres of California desert areas as Wilderness and thus effectively preclude any exploration for or development of indigenous geothermal energy resources, industrial or hard rock minerals therein.

We also understand that the BLM "Mineral Survey" being made of some 1.9 million acres does not include any expert geothermal evaluation nor will it evaluate industrial minerals such as sand, gravel, limestone, boartes, or boron. Geothermal resources, of course, naturally contain a number of associaed minerals and they too, apparently will not be evaluated.

Since only about 1980 has it been possible actively gain access to Federal lands for geothermal exploration. Until then, there was no mechanism to practically obtain leases and undertake commercial exploration and development of either energy or associated mineral resources. Since the streamlining of leasing procedures, the recognition of geothermal resources in the Tax Code, especially in the Tax Reform Act of 1986, and the passage of PURPA and implementing regulations, geothermal activity has begun in earnest and will increase as long as Congress supports the development of these strategically important domestic resources.

Indeed, at the U. S. Naval Weapons Center, China Lake, California the first of nine 30 MW geothermal power plants is going online - right out in the middle of the Mojave Desert. nearby, Grace Geothermal Company, The Department of Water and Power of the City of Los Angeles and others are looking forward to developing geothermal resources on desert lands leased from the Federal Government.

Attachedis a copy of the famous USGS map of the hot springs of the Western United States. Much more modern and sophisticated geological, geochemical, geophysical and high-alltitude photographic techniques have been used in recent years by private industry to begin to assess the large geothermal potential of desert areas. But we have just begun!

It is my hope and request that you will seek out expert geothermists from industry, State offices, and the USGS-Menlo Park and obtain their imput as you consider the ramifications of S 7.

I submi this statement for the record, as I am informed by your Staff that requests for testifying at your July 21 and 23 hearings are no longer being accepted. Perhaps you will conisder holding hearings in California so that all interested parties may activelyparticipate in your proceedings.

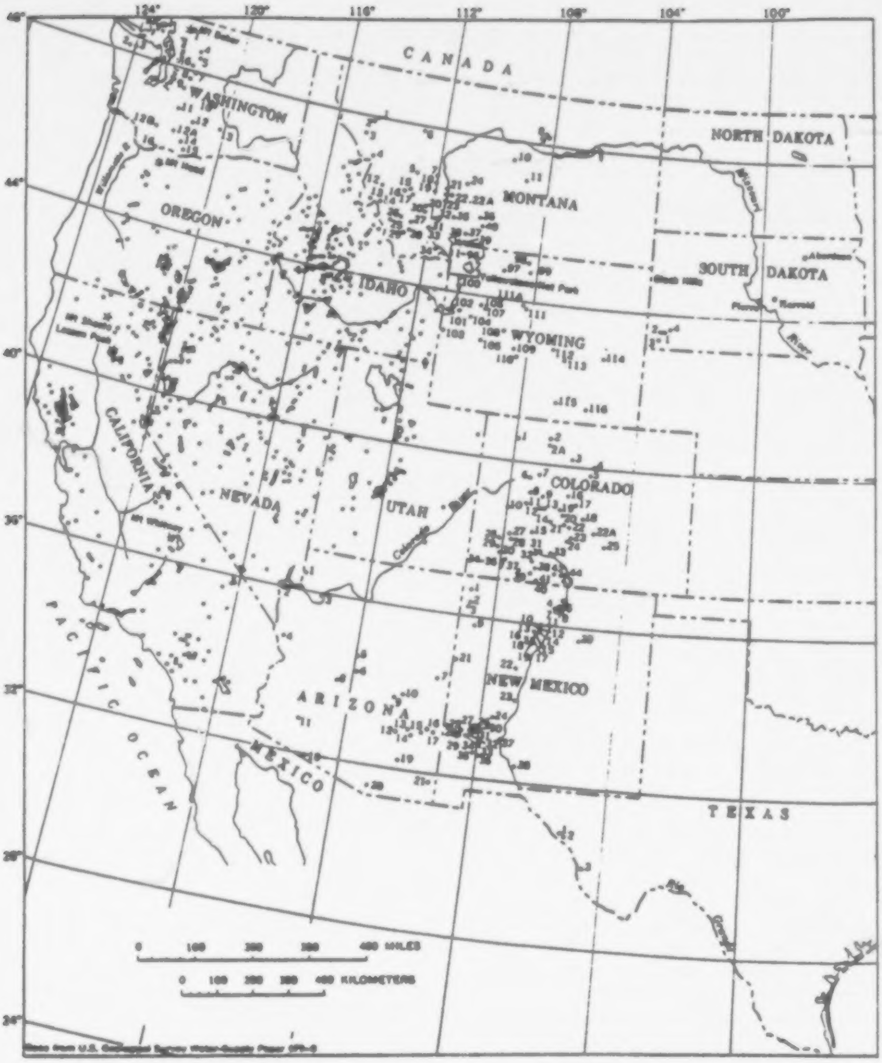
Thank you for the opportunity to submit this statement.

Sincerely yours,

Donald F.X. Finn

Donald F. X. Finn
Managing Director
Geothermal Energy Institute
770 Lexington Avenue - 11th Floor
New York NY 10021   212-888-9000

cc: Geothermal Resources Association
Geothermal Resources Council
California Chamber of Commerce
National Geothermal Association
USGS - Menlo Park
Lawrence Berkeley Laboratory/Earth Sciences
Independent Power Producers Association
Resources Agency
Senator Pete Wilson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NORTH DAKOTA
SOUTH DAKOTA
WYOMING
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NEVADA
UTAH
COLORADO
ARIZONA
NEW MEXICO
TEXAS
MEXICO
PACIFIC OCEAN
0 100 200 300 400 MILES
0 100 200 300 400 KILOMETERS

FIG. 10. (from Waring) Western Part of the Conterminous United States Showing Location of Thermal Springs. The large majority of these springs are related to granitic-stock heat sources. (See appendix for names of springs.)

Santa Rosa, California, Friday, July 10, 1987

The Press Democrat

BUSINESS

California Energy plant to go on line

By DAN BERGER
Staff Writer

California Energy Co. Inc.'s first geothermal power plant will go on line Monday, providing the company with its first sale of power to Southern California Edison Co., the company told about two dozen shareholders Thursday.

During the Santa Rosa company's annual meeting at the Sheraton Round Barn Inn, California Energy also asked shareholders to approve insurance for all officers and directors so it doesn't have problems finding people to serve on its board.

Acknowledging the issue was the most controversial of the meeting, Everett Laybourne said, "The purpose (of the insurance) is to avoid a tidal wave of reluctance by persons who are asked by corporations to serve on their boards."

Laybourne, the company's general counsel and corporate secretary, added that without the insurance, "they may have to use their personal expense to defend themselves against some disgruntled shareholder" who might sue the company.

The company said in its proxy statement that it was not required by law to seek shareholder approval of the insurance but was doing so "because each of the directors and officers is potentially benefitted by such agreements."

A company spokesman could not say after the meeting if the measure passed because only about half of the outstanding shares were represented by person or proxy at the meeting.

The annual meeting Thursday was the first for the company since it went public and began trading on the NASDAQ. During the meeting, light with humorous asides and optimism, Chairman Charles Condy said the 17-year-old

See Energy, Page E6

Energy

Continued from Page E1

company could reach profitability for the first time in 1988 and that by 1990, shareholders' return on equity could be 220 percent.

Condy attributed that potential profit to a little white box shown in a slide show of the company's first geothermal power plant, at China Lake. "This is the turbine," he explained. "And it connects to these little black wires, that connect 38 miles down the road to the cash register."

That system is California Energy's first of nine power generators at China Lake. All told, it will be a 240-megawatt system that will be completed by 1990. Known as the Coso Project, the first phase will consist of three plants generating 80 megawatts of power. Phase I will be completed by December 1988, Condy said.

Santa Rosa-based California Energy has 30-year, fixed-rate contracts to sell power from this system to Southern California Edison.

Condy told shareholders the company also is looking for geothermal sources of power in two different locations in California near the Oregon border and in six more spots in the Pacific Northwest.

GEOTHERMAL ENERGY INSTITUTE
770 Lexington Avenue - 11th Floor
New York, NY 10021
212-888-9000

July 14, 1987

Subcommittee on Public Lands
National Parks and Forests
United States Senate
Washington, D.C. 20510

Attention: Senator Alan Cranston
Diane Nagel, SD-308

RE: S 7, proposed Desert Wilderness Act of 1987

Gentlemen:

We understand that S 7 contemplates classifying up to 8.8 million acres of California desert areas as Wilderness and thus effectively precludes any new exploration for or development of indigenous geothermal energy resources, industrial or hard rock minerals or volcanic rare earths. We also understand that the BLM "Mineral Survey" being made of some 1.9 million acres does not include any expert geothermal evaluation nor will it evaluate industrial minerals such as sand, gravel, limestone, borates, boron, or rare earths, some of which may become critical for uses in the new world of "superconductivity" and superconductive magnetic coils for the storage of electricity. Such rare earths are usually associated with volcanic areas, including those buried beneath deserts! Geothermal resources, of course, naturally contain a number of associated minerals and they too, apparently will not be evaluated.

Since only about 1980 has it been practically possible to actively gain access to Federal lands for commercial geothermal exploration efforts.

Until then, there was no mechanism to practically obtain leases and undertake commercial exploration and development of either geothermal energy or associated mineral resources. Since the implementation and streamlining of Federal geothermal leasing procedures, the first recognition of geothermal resources in the Tax Code, expecially in the Tax Reform Act of 1986, and the passage of PURPA and implementing regulations, geothermal exploration activity has just begun in earnest and will only continue to steadily increase as long as Congress supports the development of these strategically important domestic primary energy resources.

Indeed, at the U.S. Naval Weapons Center, China Lake, California the first of nine 30 MW geothermal power plants is going on line - right out in the middle of the Mojave Desert. Nearby, California Energy Company, Grace Geothermal Company, the Department of Water and Power of the City of Los Angeles and others are looking forward to developing geothermal resources on desert lands leased from the Federal Govermment (BLM).

Attached is a copy of the famous USGS map of the hot springs of the Western United States. Much more modern and sophisticated geological geochemical, geophysical and high altitude photographic and electronic scanning techniques have been used in recent years by private industry to begin to assess the large geothermal potential of desert areas. But we have only just begun!

It is important to recognize that only recently have "classic" geologic concepts of the past century regarding exploration models (both for minerals and geothermal resources) been discarded as obsolete as they founder on modern concepts of mass balance, the laws of physics and the revelations of heretofore proprietary three dimensional data now available to industry.

It is my hope and request that you will seek out expert geothermists from industry, State offices, and the USGS-Menlo Park and obtain their input as you consider the ramifications of S 7.

I submit this statement for the records, as I am informed by your staff that requests for testifying at your July 21 and 23 hearings are no longer being accepted. Perhaps you will consider holding hearings in California so that all interested parties may actively participate in your proceedings.

Thank you for the opportunity to submit this statement.

Sincerely yours,

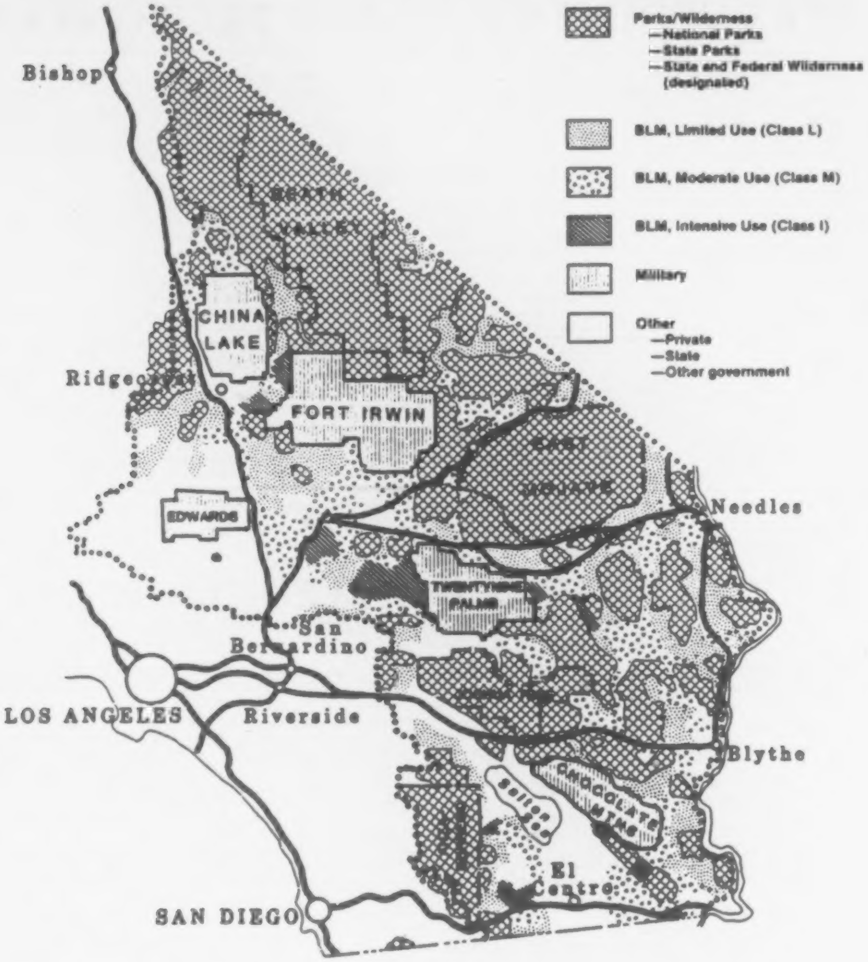
GEOTHERMAL ENERGY INSTITUTE

Donald F. X. Finn

Donald F. X. Finn
Managing Director

cc: Geothermal Resources Association
Geothermal Resources Council
California Chamber of Commerce
National Geothermal Association
USGS - Menlo Park
Lawrence Berkeley Laboratory/Earth Sciences
Independent Power Producers Association
Resources Agency
Senator Pete Wilson

PROPOSED DESERT LEGISLATION


Parks/Wilderness
—National Parks
—State Parks
—State and Federal Wilderness (designated)
BLM, Limited Use (Class L)
BLM, Moderate Use (Class M)
BLM, Intensive Use (Class I)
Military
Other
—Private
—State
—Other government
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EDWARDS
EAST MOJAVE
Needles
TWENTYNINE PALMS
San Bernardino
LOS ANGELES
Riverside
Blythe
Salton Sea
CHOCOLATE MTNS
El Centro
SAN DIEGO

CALIFORNIA DESERT —

NEWS MEDIA ADVISORY

2/20/87

THE CURRENT CALIFORNIA DESERT PLAN

(1980 To Present)

- Congress designated the 25-million acre California Desert Conservation Area (CDCA) in 1976 in recognition of the Desert's special public and natural values (Section 601, Federal Land Policy and Management Act).
- Congress directed BLM to prepare a comprehensive land use plan "for the management, use, development, and protection of the public lands" in the Desert, covering about half of the CDCA.
- The plan was to follow "the principles of multiple use and sustained yield."
- The act directed the establishment of a California Desert Conservation Area Advisory Committee, consisting of noted experts in various fields, to assist in formulating and implementing the plan.
- Preparation of the plan involved massive research and staff analysis, included dozens of public hearings and more than 40,000 public comments, and cost $8 million.
- The plan was approved by two Secretaries of the Interior in both 1980 and 1981 under Democratic and Republican Administrations.
- Users on both sides commended the balanced nature of the plan. The Los Angeles Times in a 1980 editorial endorsing the plan stated it protects "the interests of preservationists while recognizing the needs of miners, ranchers, and utility companies."
- The plan allocates the Desert into four major use classifications:

  About **1.9 million acres are Class C, proposed for wilderness preservation.** Studies on these areas were to be completed by 1989 for consideration by Congress.

  5.9 million acres are Class L for limited use, meaning these lands are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.

  3.3 million acres are Class M for moderate use, meaning these lands are managed based upon a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause.

  500,000 acres are Class I for intensive use, meaning that these lands are managed to provide for concentrated use of lands and resources to meet human needs. Reasonable protection will be provided for sensitive natural and cultural values. Mitigation of impacts on resources and rehabilitation of impacted areas will occur insofar as possible.
- Other special use designations are also included in the plan, such as 30 Areas of Critical Environmental Concern, covering 670,000 acres, managed to protect unique or special values.
- The plan carefully identifies areas as open, closed or limited for off-highway vehicle use.
- The plan gives special recognition to the East Mojave Natural Scenic Area and calls for intensive site-specific management.
- The plan allows for development of the Desert's critical mineral resources in a manner that will protect the fragile environment.
- Other resource elements, including wildlife management, allocation of lands for public rights-of-way, etc., are carefully analyzed and accommodated in the plan.
- BLM carries out the plan's direction through a professional staff of resource specialists and a highly trained Desert Ranger Force.
- For more detailed information on the California Desert Plan, contact the BLM's Desert District, 1695 Spruce St., Riverside, CA, telephone (714) 351-6383.

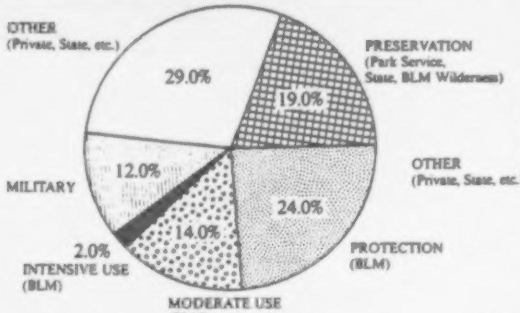
PROPOSED DESERT LEGISLATION

(Senate Bill 7, formerly Senate Bill 2061 and HR 371)

- The legislation would make major changes in the Desert Plan, altering land use on more than half of the BLM-administered lands in the area and all the National Park Service-administered lands, directly affecting about 10 million acres.
- It would create 8.8 million acres of instant wilderness, covering 4.5 million acres managed by the National Park Service (NPS) and 4.3 million acres managed by the BLM.
- Wilderness designation means the areas are closed to all motorized vehicles and commercial uses.
- It would create 5.7 million acres of new National Parks, with 2.5 million drawn from existing National Monuments and 3.2 million from BLM-administered lands.
- National Park designation means the areas are managed to preserve their natural values; vehicular access is limited to existing roads.
- The bill would enlarge the current Joshua Tree National Monument from 560,000 acres to 805,000 acres and redesignate it as a National Park.
- The bill would also enlarge the current Death Valley National Monument from 1.96 million acres to 3.4 million acres and redesignate it as a National Park.
- The bill would create a new East Mojave National Park, covering 1.5 million acres.
- Other special designations include addition of 20,000 acres of BLM-administered lands to the State's Red Rock Canyon State Park, creation of a Desert Lily Sanctuary of 1,920 acres and creation of the Indian Canyons Historical Site of 490 acres.
- As for other uses in these areas, the bill allows no new mining claims and requires existing claims to be validated before any significant work is allowed.
- No new mineral leasing for oil and gas, geothermal and other mineral exploration is allowed in these areas.
- Existing grazing is allowed until the current term of such permits expires and no new grazing use is allowed.
- The bill calls for acquisition of private and State inholdings within the parks and wilderness, estimated at about a million acres, mostly through exchange. Remaining BLM lands (about 4 million acres) would be stock from which most exchanges would be made.
- The bill calls for construction of a visitor center and other facilities. Although no appropriations are mentioned, the legislation calls for expenditure of "such sums as may be necessary to carry out" the legislation.

CURRENT LAND USE

(25-million acre California Desert Conservation Area)



Key Points:

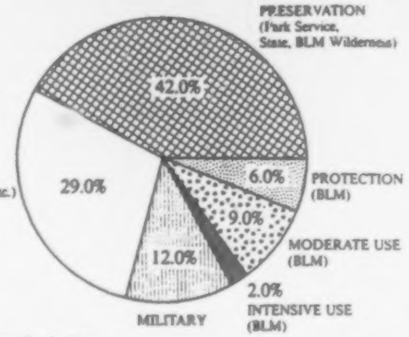
- About one-fifth of the Desert is committed to park and wilderness preservation.
- About one-fourth is managed by BLM primarily to protect cultural and natural values, while allowing other compatible uses.
- About one-eighth is managed by BLM for a variety of uses, balancing development with protection.
- A small fraction (2%), is managed by BLM for intensive use of lands and resources to meet human needs.

PRESERVATION	**4.8 MILLION ACRES**	**19%**
(public vehicle access prohibited in wilderness; restricted in parks)		
National Monuments		
Joshua Tree		560,000 acres
Death Valley		1,957,000 acres
State Park		
Red Rock Canyon		4,500 acres
Wilderness (some in monuments above)		
Park Service Proposed		(1.9 million acres)
Park Service Designated		(467,000 acres)
BLM Proposed		1,900,000 acres
State-Anza Borrego		400,000 acres
PROTECTION	**5.9 MILLION ACRES**	**24%**
BLM, Class L*, limited use		5,900,000 acres
MODERATE USE	**3.3 MILLION ACRES**	**14%**
BLM, Class M*, moderate use		3,300,000 acres
INTENSIVE USE	**500,000 ACRES**	**2%**
BLM, Class I*, intensive use		500,000 acres
MILITARY	**3.1 MILLION ACRES**	**12%**
(no public access)		
Ft. Irwin, China Lake, Chocolate Mountains, Twenty-Nine Palms, Edwards AFB, etc.		
OTHER	**7.4 MILLION ACRES**	**29%**
(limited or no public use)		
Private, State, other government		

*see front page for explanations of land use classes

PROPOSED LAND USE

(under Senate Bill 7)



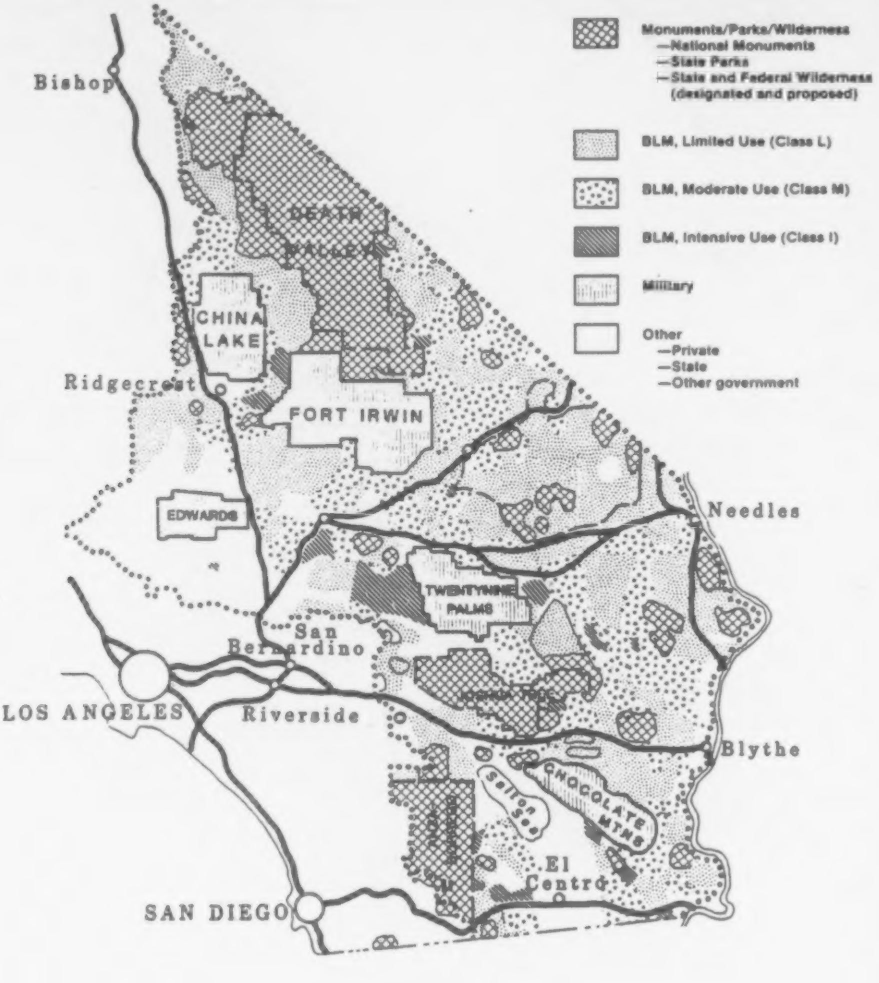
Key Points:

- The amount of land committed to park and wilderness preservation would more than double, from 19% to 42%.
- The amount of land managed by BLM and available for general public use would be reduced from 40% to about 17%, or about one-sixth of the Desert.
- Private land is not immediately affected, but large amounts are inholdings within the proposed parks and wilderness. The legislation calls for acquiring these lands by purchase or exchange, drawing from the 17% of general public use lands remaining.

PRESERVATION	**10.4 MILLION ACRES**	**42%**
(public vehicle access prohibited in wilderness; restricted in parks)		
National Parks		
Joshua Tree (expanded)		805,000 acres
Death Valley (expanded)		3,400,000 acres
East Mojave (new)		1,500,000 acres
State Park		
Red Rock Canyon		24,000 acres
Wilderness (some in parks above)		
Park Service		(4,500,000 acres)
BLM		4,300,000 acres
State-Anza Borrego		400,000 acres
PROTECTION	**1.5 MILLION ACRES**	**6%**
BLM, Class L*, limited use		1,500,000 acres
MODERATE USE	**2.1 MILLION ACRES**	**9%**
BLM, Class M*, moderate use		2,100,000 acres
(The above two categories will drop further, as BLM lands will be used to exchange for private inholdings within the parks and wilderness)		
INTENSIVE USE	**500,000 ACRES**	**2%**
BLM, Class I*, intensive use		500,000 acres
MILITARY	**3.1 MILLION ACRES**	**12%**
(no public access)		
Ft. Irwin, China Lake, Chocolate Mountains, Twenty-Nine Palms, Edwards AFB, etc.		
OTHER	**7.4 MILLION ACRES**	**29%**
(limited or no public use)		
Private, State, other government		

*see front page for explanations of land use classes

CURRENT CALIFORNIA DESERT PLAN


Monuments/Parks/Wilderness
—National Monuments
—State Parks
—State and Federal Wilderness (designated and proposed)
BLM, Limited Use (Class L)
BLM, Moderate Use (Class M)
BLM, Intensive Use (Class I)
Military
Other
—Private
—State
—Other government
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EDWARDS
Needles
TWENTYNINE PALMS
San Bernardino
LOS ANGELES
Riverside
Blythe
Salton Sea
CHOCOLATE MTNS
El Centro
SAN DIEGO

Alert
California Chamber of Commerce

Volume 13, Number 8 February 27, 1987

High stakes numbers game begins on use of land in California desert

Congress will review legislation this year that may result in most of the California desert being declared off limits to human activities. At stake will be a $500 million annual tourist and recreation economy in the desert, as well as more than half of the state's mining industry output.

The legislative proposals range from one that designates massive new acreage as wilderness and national parks to a "fill in the blanks later" approach. Because vehicle transport is needed in the desert for commercial and recreational pursuits, wilderness designations will in effect bar further public use of these areas.

Decisions

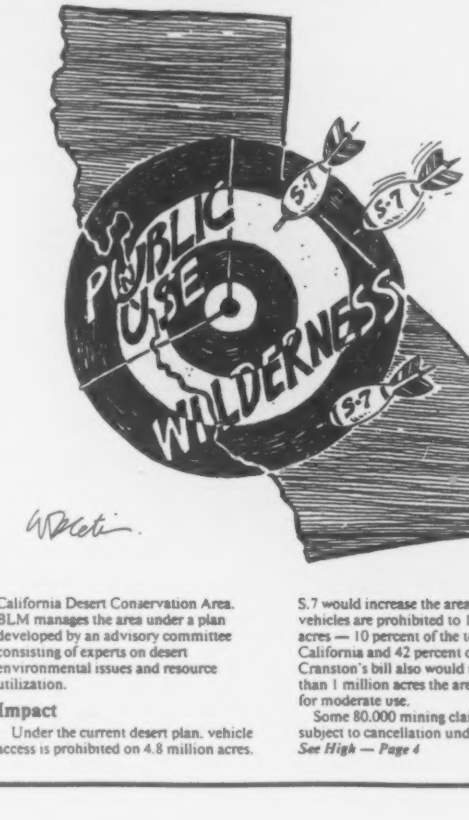
The congressional debate will be decided by representatives from other states, not environmentalists and citizens and local chambers of commerce in California.

Further, the decision-making process in Congress will sidestep a local citizens' committee that held hundreds of hearings and received 40,000 public comments in formulating a resource conservation plan for the desert. The citizens' committee last year unanimously opposed similar legislation usurping the committee's planning recommendations.

Cranston bill

Two-thirds of the public lands in the California desert would be designated as wilderness under legislation introduced by California Senator Alan Cranston. The bill, S.7, bypasses a congressional directive to the Bureau of Land Management (BLM) to make wilderness recommendations *after* a survey of the mineral potential in the desert has been completed by 1989.

The 25 million acres of California desert, including state, military and private lands, has been protected since 1976 when Congress established the California Desert Conservation Area. BLM manages the area under a plan developed by an advisory committee consisting of experts on desert environmental issues and resource utilization.



Impact

Under the current desert plan, vehicle access is prohibited on 4.8 million acres. S.7 would increase the area in which vehicles are prohibited to 10.4 million acres — 10 percent of the total land in California and 42 percent of the desert. Cranston's bill also would reduce by more than 1 million acres the areas designated for moderate use.

Some 80,000 mining claims would be subject to cancellation under S.7.

See High — Page 4

Alert
California Chamber of Commerce

High stakes numbers game begins

From Page 1

Experience with the Death Valley National Monument indicates that whenever a special preservation area is established, mining is virtually eliminated. The California desert is regarded as one of the most mineralized areas in the country. According to BLM, some 46 mineral commodities are produced in the desert, including 97 percent of the nation's strategic minerals, such as titanium, molybdenum and chromium. In addition, 100 percent of the boron minerals, 15 percent of the talc, 10 percent of the crude gypsum and 6 percent of the metallic minerals are produced there.

S.7 also phases out livestock grazing permits on much of the land it covers.

In addition, S.7 establishes three new national parks in the East Mojave, Joshua Tree and Death Valley. Most of the land in the national parks would be established as wilderness, prohibiting all structures to accommodate tourists, such as campgrounds and restrooms.

1986 opposition

Local environmental groups that use the desert for rock collecting or observing wildlife opposed similar legislation in 1986. Backpacking is not practical in the desert as it is in mountain wilderness areas because of the lack of water. Limited vehicle access is the only realistic method of both protecting sensitive desert areas while allowing the human access needed for environmental monitoring and filling of water troughs or "guzzlers" for wildlife.

Organizations that opposed the 1986 Cranston bill included the California Wildlife Federation, the Society for Conservation of Bighorn Sheep, the Society for Care and Protection of Wildlife, the California Federation of Mineralogical Societies, the World of Rockhounds Association and the National Outdoor Coalition. The bill also was opposed by mining, livestock and business groups, including the California Chamber.

Complex debate

The debate on Cranston's bill may prove to be more complicated this year than in 1986. A competing measure by California Congressman Richard Lehman was introduced in the House of Representatives. The Lehman bill does not designate specific amounts of acreage for proposed wilderness and national park areas.

Another bill by California Congressman Mel Levine duplicates Cranston's proposal.

The state owns approximately 500,000 acres of state school lands with mineral rights and mineral rights only on another 400,000 acres. These will be largely landlocked by S.7. Many experts doubt that the state will be able to achieve full compensation for these lands in an exchange program established by S.7.

. . .some 46 mineral commodities are produced in the desert, including 97 percent of the nation's strategic minerals . . .

Provisions

Major land use provisions of S.7 include the following:

- It makes major changes in the desert plan, altering land use on more than half of the BLM-administered lands in the area and all the National Park Service-administered lands, directly affecting about 10 million acres.
- It creates 8.8 million acres of instant wilderness, covering 4.5 million acres managed by the National Park Service and 4.3 million acres managed by BLM. Wilderness designation means no buildings or campgrounds are allowed and the areas are closed to all motorized vehicles and commercial uses.
- It creates 5.7 million acres of new national parks, with 2.5 million drawn from existing national monuments and 3.2 million from BLM-adminstered lands. National park designation means the areas are managed to preserve their natural values; vehicular access is limited to existing roads.
- The bill enlarges the current Joshua Tree National Monument from 560,000 acres to 805,000 acres and redesignates it as a national park.
- The bill also enlarges the current Death Valley National Monument from 1.96 million acres to 3.4 million acres and redesignates it as a national park.
- The bill creates a new East Mojave National Park, covering 1.5 million acres.
- Other special designations include addition of 20,000 acres of BLM-administered lands to the state's Red Rock Canyon State Park, creation of a Desert Lily Sanctuary of 1,920 acres and creation of the 490-acre Indian Canyons Historical Site.
- As for other uses in these areas, the bill allows no new mining claims and requires existing claims to be validated before any significant work is allowed.
- No new mineral leasing for oil and gas, geothermal and other mineral exploration is allowed in these areas.
- Existing grazing is allowed until the current term of such permits expires and no new grazing use is allowed.
- The bill calls for acquisition of private and state inholdings within the parks and wilderness, estimated at about a million acres, mostly through exchange. Remaining BLM lands (about 4 million acres) would be stock from which most exchanges would be made.
- The bill calls for construction of a visitor center. Although no appropriations are mentioned, the bill calls for expenditure of "such sums as may be necessary to carry out" the legislation.

Chamber position

The California Chamber opposes S.7 because it "locks up" into wilderness an unreasonable and excessive amount of acreage. By so doing, the bill will intensify demands on lands outside the designated areas. The bill also would severely limit future flexibility in establishing new utility corridors for water, gas, oil and electricity, as well as hinder the development of the solar energy industry.

Until the mineral surveys are completed, lawmakers do not have sufficient information on which to make a decision. The Chamber believes that the California Desert Conservation Area plan has worked well with ample review by the public. ☐ Staff contact: Kip Solinsky

GEOTHERMAL ENERGY INSTITUTE
770 Lexington Avenue - 11th floor
New York, NY 10021
212-888-9000

July 17, 1987

Subcommittee on Public Lands,
National Parks and Forests
United States Senate
Washington, D. C. 20510

Attention: Senator Dale Bumpers, Chairman
Diane Nagel, SD-308

Re: S 7, proposed Desert Wilderness Act of 1987

Gentlemen:

We understand that S 7 contemplates the wholesale and indiscriminate classification of up to 8.8 million acres of California desert areas as Wilderness and thus effectively preclude any new exploration for or development of indigenous geothermal energy or oil and gas resources, as well as industrial or hard rock minerals or volcanic rare earths.

We also understand that the BLM "Mineral Survey" being made of some 1.9 million acres does not include any expert geothermal or oil and gas evaluation nor will it evaluate industrial minerals such as sand, gravel, limestone, borates, boron, or rare earths, some of which may become critical for uses in the new world of "superconductivity" and superconductive magnetic coils for the storage of electricity. Such rare earths are usually associated with volcanic areas, including those buried beneath deserts.' Geothermal resources, of course, naturally contain a number of associated epithermal ore deposits and they too, apparently will not be evaluated. Common sense would seem to require an across-the-board evaluation when such an en masse wilderness classification is being proposed. See, e.g., Majmundar, H.H., 1983, Technical Map of the Geothermal Resources of California: California Division of Mines and Geology.

I assume that the Congress takes seriously the corporate commitment to exploration represented by the outstanding 90 geothermal leases covering about 180,000 acres and 236 oil and gas leases covering about 426,000 acres. The 140 mineral material sales (including new negotiations as well as reuse) also represent a significant resource commitment.

Since only about 1980 has it been practically possible to actively gain access to Federal lands for commercial geothermal exploration efforts. Until then, there was no mechanism to practically obtain leases and undertake commercial exploration and development of either geothermal energy or associated mineral resources. Since the implementation and streamlining of Federal geothermal procedures, the first recognition of geothermal resources in the Tax Code, especially in the Tax Reform Act of 1986, and the passage of PURPA and implementing regulations, geothermal exploration activity has just begun in earnest and will only continue to steadily increase as long as Congress supports the development of these strategically important domestic primary energy resources.

Indeed, at the U.S. Naval Weapons Center, China Lake, California the first of nine 30 MW geothermal power plants is going on line - right out in the middle of the Mojave Desert. Nearby, California Energy Company, Grace Geothermal Company, the Department of Water and Power of the City of Los Angeles and others are looking forward to developing geothermal resources on desert lands leased from the Federal Government (BLM).

Attached is a copy of the famous USGS map of the hot springs of the Western United States, which is useful in locating geothermal exploration targets. Much more modern and sophisticated geological geochemical and high altitude photographic and electronic scanning techniques have been used in recent years by private industry to begin to assess the large geothermal potential of desert areas. But we have only just begun!

It is important to recognize that only recently have "classic" geologic concepts of the past century regarding exploration models (for minerals, geothermal and oil and gas resources) been discarded as obsolete as they founder on modern concepts of mass balance, the laws of physics and the revelations of heretofore proprietary three dimensional seismic data now available to industroy. See, e.g., Calzia et al, 1981, Administrative Report, USGS. Surely, Senator Cranston's stated belief that there is "little mineralization commercially developable remaining in the California Desert" is not at all well-founded on modern geological concepts. Indeed, about $1.5 billion a year of non-fuel minerals are produced from the California Desert.

It is my hope and request that you will seek out expert geothermists, as well as groundwater and petroleum experts, from industry, State offices, and the USGS-Menlo Park and obtain their input as you consider the wide-ranging ramifications of S 7.

I submit this revised statement for the record, as I am informed by your staff that requests for testifying at your July 21 and 23 hearings are no longer being accepted. We join the Western Oil and Gas Association, the California Mining Association and the California Chamber of Commerce in opposing the bill. Perhaps you will consider holding hearings in California so that all interested parties, especially those unable to travel to Washington, D.C. but who will be immediately impacted by any Wilderness classification, may actively participate in your proceedings.

Thank you for the opportunity to submit this statement.

Sincerely yours,

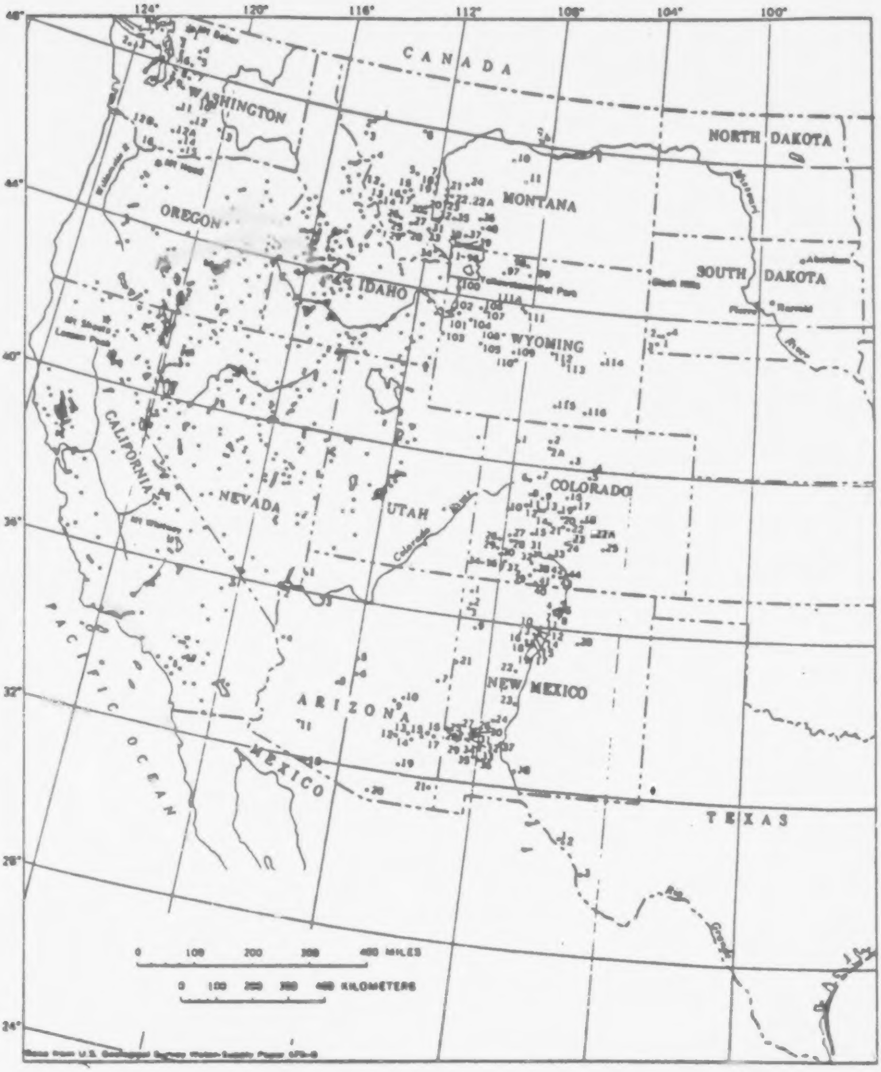
GEOTHERMAL ENERGY INSTITUTE

Donald F. X. Finn

Donald F. X. Finn
Managing Director

cc: Geothermal Resources Association
Geothermal Resources Council
California Chamber of Commerce
National Geothermal Association
USGS - Menlo Park
Lawrence Berkeley Laboratory/Earth Sciences
Independent Energy Producers Association
Western Oil and Gas Association
IPAA
Resources Agency
Senator Pete Wilson

P.S. 240 MW geothermal at China Lake will generate $5 billion in gross sales over the next ten years. The Federal Government will earn royalties of about $500+ million plus about $1+ billion corporate and employee taxes, etc.


48°
44°
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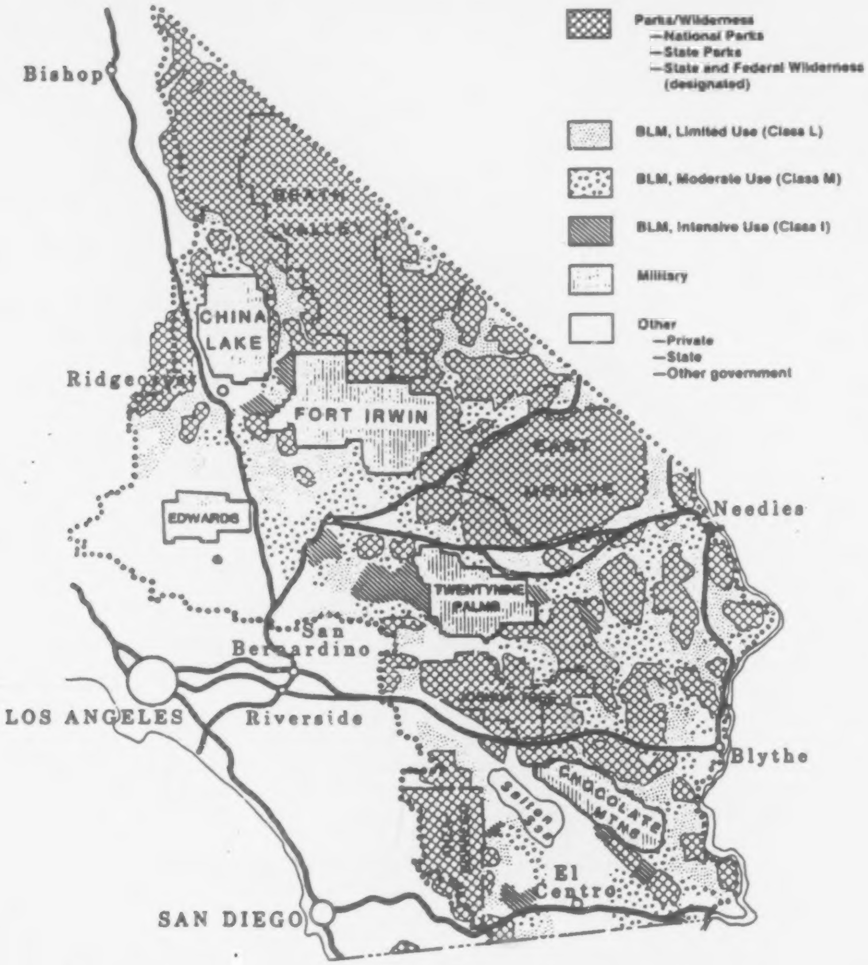
CANADA
WASHINGTON
OREGON
IDAHO
MONTANA
NORTH DAKOTA
SOUTH DAKOTA
WYOMING
Yellowstone Nat Park
Black Hills
CALIFORNIA
Mt Shasta
Lassen Peak
Mt Whitney
NEVADA
UTAH
Colorado River
COLORADO
ARIZONA
NEW MEXICO
TEXAS
MEXICO
PACIFIC OCEAN
Rio Grande
0 100 200 300 400 MILES
0 100 200 300 400 KILOMETERS
Base from U.S. Geological Survey Water-Supply Paper 679-B

FIG. 10. (from Waring) Western Part of the Conterminous United States Showing Location of Thermal Springs. The large [illegible] of these springs are related to granitic-stock heat sources. (See appendix for names of springs.)

PROPOSED DESERT LEGISLATION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770 Lexington Avenue - 11th Floor
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July 21, 1987

Subcommittee on Public Lands
National Parks and Forests
United States Senate
Washington, D.C. 20510

Attention: Senator Dale Bumpers, Chairman
Diane Nagel, SD-308

RE: S 7, proposed Desert Wilderness Act of 1987

Gentlemen:

We understand that S 7 contemplates classifying up to 8.8 million acres of California desert areas as "instant" Wilderness and thus effectively preclude any new exploration for or development of indigenous geothermal energy resources, industrial or hard rock minerals or volcanic rare earths.

We submit, for your record, a copy of a recent professional paper which:

1. Identifies "at least 14 geothermal prospects in the general vicinity of the Coso (Mojave Desert) geothermal system."
2. Concludes that there is significant ground water storage, potential for Soline Mineral deposits, geothermal steam deposits, potential epithermal ore deposits, as well as major petroleum reserves in the Southern Sierra Nevada and California Desert areas.

Thank you for the opportunity to submit this statement.

Sincerely yours,

GEOTHERMAL ENERGY INSTITUTE

Donald F. X. Finn

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Managing Director

cc: Geothermal Resources Association
Geothermal Resources Council
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Lawrence Berkeley Laboratory/Earth Sciences
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California Resources Agency
California Mining Association
Western Oil & Gas Association
IPAA
Senator Pete Wilson

AAPG INVITED PAPER: ENERGY/MINERALS SESSION

STRUCTURAL INTERPRETATION OF THE COSO GEOTHERMAL FIELD
INYO COUNTY, CALIFORNIA

AUSTIN, C.F., U.S. NAVY
BISHOP, BARBERA P. CECI
MOORE, JAMES L. CECI

CALIFORNIA ENERGY COMPANY, INC.
770 Lexington Avenue (11th Floor)
New York, N.Y. 10021
Tel. 212 / 883-9000

JUNE 6, 1987

The Coso Geothermal Field, located east of the Sierra Nevada at the northern edge of the high Mojave Desert in Southern California is an excellent example of a structurally controlled geothermal resource.

The geothermal system appears to be associated with at least one dominant N-S trending feature which extends several miles through the east-central portion of the Coso volcanic field. Wells drilled along this feature have encountered production from distinct fractures in crystalline basement rocks. The identified producing fractures occur in zones which range from 10's to 100's of feet in extent separated by regions of essentially unfractured rock of similar composition.

Proposed origins of the zones of vertical fracturing are quite diverse and provide additional fuel for the continuing debate concerning structural control. Theories, which invoke both extensional and compressional tectonic settings, include a system of individual breccia pipes, networks of intersecting through-going faults and fracturing associated with dome emplacement, and localized zones of extensive hydraulic fracturing.

Wells in the Devil's Kitchen area have encountered fluids in excess of 450 degrees F and flow rates of one million pounds per hour at depths less than 4,000 feet. A step-out exploration/production well drilled in 1986 to a depth of 6,553 feet located several miles south of the Devil's Kitchen region along the identified N-S feature produced fluids with a temperature greater than 640 degrees F.

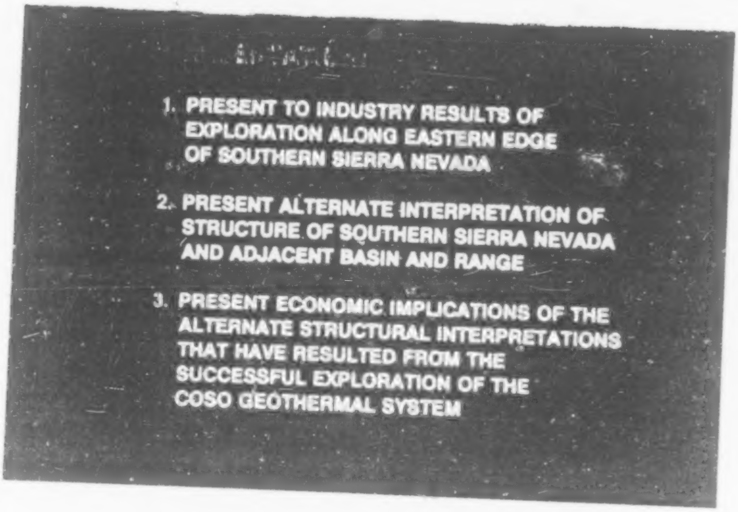
While the extent of the resource is not yet known, reservoir tests to date estimate 240 MWe of power will be available from the Coso field. Construction of the first 25 MWe power plant, begun in the first part of 1986, is scheduled to be completed with power on line by mid-1987.

AAPG NATIONAL MEETING PRESENTATION

6TH JUNE 1987

LADIES AND GENTLEMEN:

In 1979, the United States Navy, at the Naval Weapons Center, China Lake, California, undertook a new and unique project. This project was to contract for the exploration & development of a portion of the Coso geothermal system, with private industry using private sector capital i.e.; no capital cost to the Navy. As you will see in this presentation the California Energy Company as the Navy's contractor has discovered a superb resource, and together we, California Energy and the Geothermal Program Office of the Naval Weapons Center have learned some startling and exciting geology along the way.



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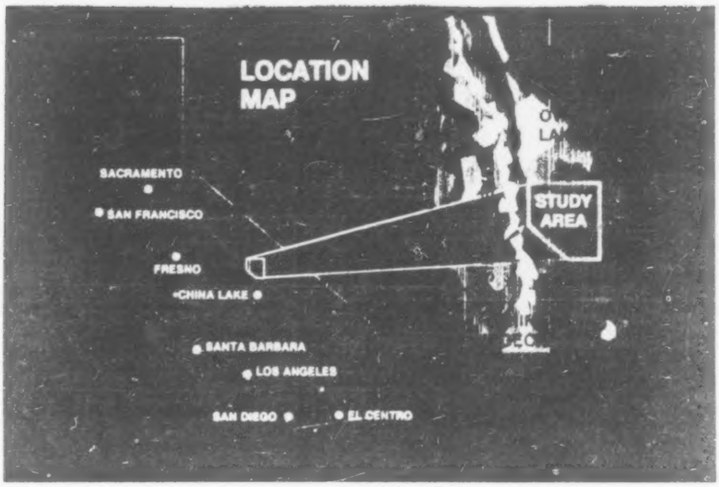
1. PRESENT TO INDUSTRY RESULTS OF EXPLORATION ALONG EASTERN EDGE OF SOUTHERN SIERRA NEVADA
2. PRESENT ALTERNATE INTERPRETATION OF STRUCTURE OF SOUTHERN SIERRA NEVADA AND ADJACENT BASIN AND RANGE
3. PRESENT ECONOMIC IMPLICATIONS OF THE ALTERNATE STRUCTURAL INTERPRETATIONS THAT HAVE RESULTED FROM THE SUCCESSFUL EXPLORATION OF THE COSO GEOTHERMAL SYSTEM

SLIDE I

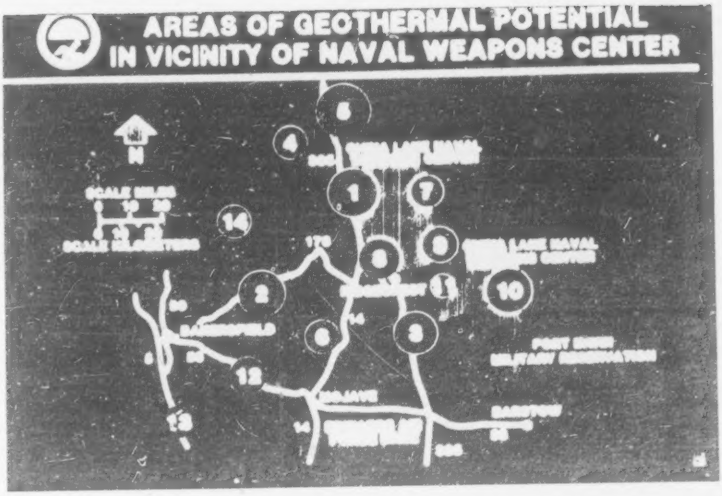
This presentation will show you the results of our exploration at Coso, and will present some alternate interpretations for the structure of the southern Sierra Nevada that seem consistent with all of our geological findings to date. We will note some aspects of our interpretations that we believe have significant exploration implications that industry might consider in the event our exploration model proves valid.



LOCATION MAP

SLIDE 2

Our general area of interest is the southeastern Sierra Nevada and the ranges immediately to the east. Over the past several decades the Sierra has increasingly been referred to as the western most range of the Basin and Range both as to position and structure. However with the burgeoning evidence for pervasive low angle faulting throughout the Basin and Range, characterized by some as a region of "assymetric 1/2 grabens," plus the increasing recognition by active field workers of low angle faulting within the Sierra itself and the resulting rather obvious conclusion of probable detachment of the Sierra Nevada, we can no longer arbitrarily draw a meaningful tectonic boundary at the eastern edge of the Sierra. Instead, we believe the whole region must now be considered as an integral part of the entire basin and range complex, which would then extend from at least the overthrust belts on the east to the western edge of the Sierra Nevada as it dips beneath the Great Valley.

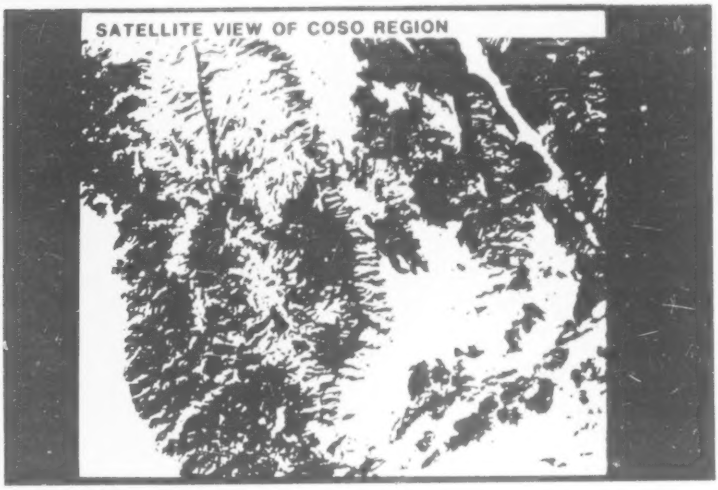


AREAS OF GEOTHERMAL POTENTIAL IN VICINITY OF NAVAL WEAPONS CENTER

N
SCALE MILES
0 10 20
SCALE KILOMETERS
1
2
3
4
5
6
7
8
9
10
11
12
13
14
395
178
14
CHINA LAKE NAVAL WEAPONS CENTER
BAKERSFIELD
MOJAVE
BARSTOW
FORT IRWIN MILITARY RESERVATION

SLIDE 3

Early in any serious study of the Coso geothermal system, it is well to ask if Coso is an isolated phenomena or simply a part of a series or swarm of similar features. The latter seems to be the case. We recognize what we think should be considered as at least 14 geothermal prospects in the general vicinity of the Coso geothermal system. All of these potential prospects have surface expressions which include some of the following at each site: High surface heat; young volcanic rocks; distinctive geochemistry or associated ore deposits; arcuate fracturing and several have truly impressive overlying or adjacent hydrothermal alteration zones with associated epithermal precious metal prospects. Coso is not a single isolated phenomena.



SATELLITE VIEW OF COSO REGION

SLIDE 4

Looking at the Coso geothermal system from satellite altitudes one immediately notices several prominent features:

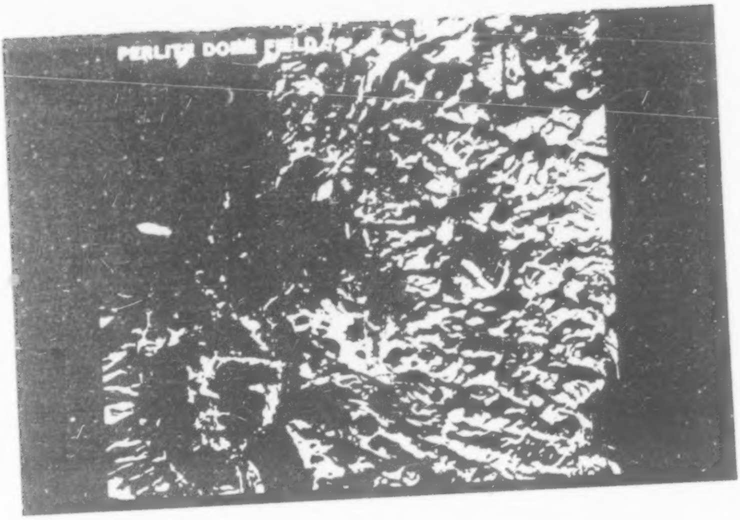
1. Major NW fracture zones, off setting the Sierran front

2. A Perlite Dome field that is strung out in a N-S direction along the east side of a granitic ridge and lies in what appears as a circular fracture system.

3. An apparent inward dipping fracture system, much of it arcuate, that is about 20 miles in diameter.

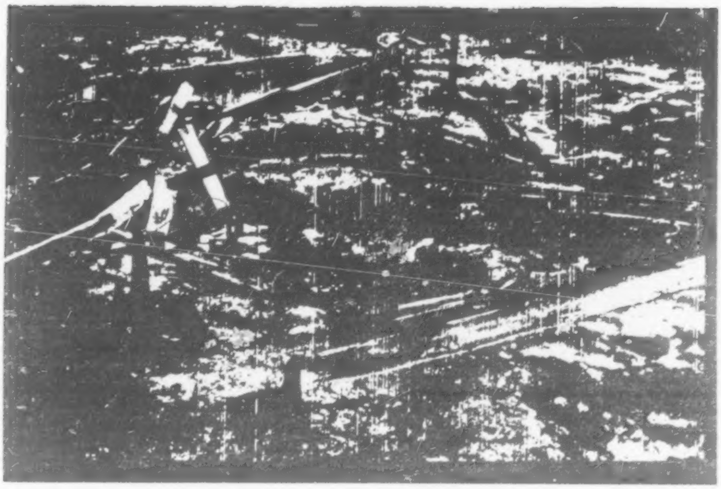
4. A series of scallop shaped fractures of some sort aligned along the eastern Sierran front.

These features must be accounted for, whatever the structural model chosen.



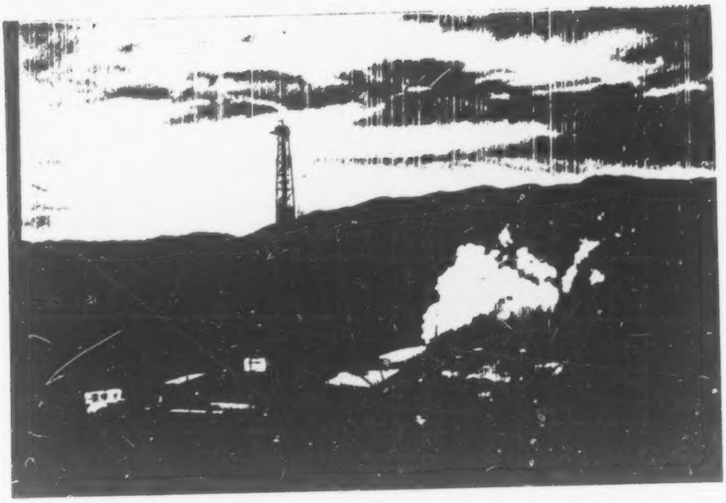
SLIDE 5

A closer look at the immediate Perlite Dome field and the surrounding area shows what appears to be an upwarp of the fractured granitic basement complex through which the volcanics have erupted.



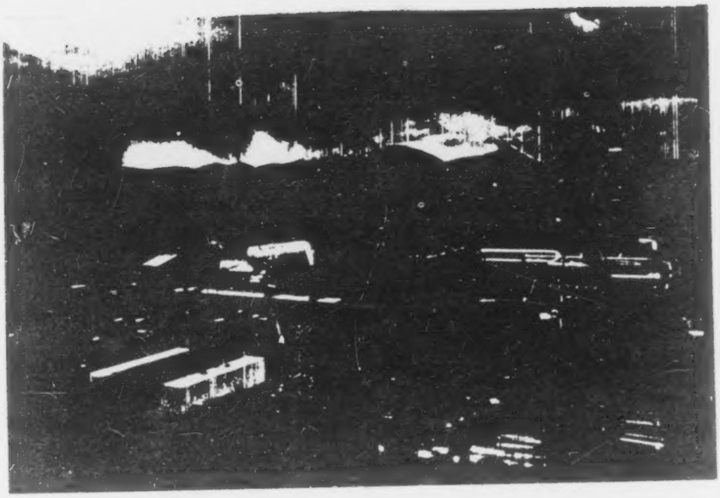
SLIDE 6

In addition to the prominent perlite dome field, the Coso area has numerous small natural steam vents plus extensive steam venting from old exploration drill holes in 2 open pit mercury mines and at one underground mercury mine, and numerous (over 42) venting old steam wells at the former main Coso Hot springs Resort area which is located on a fault at the eastern edge of the central granitic ridge.



SLIDE 7

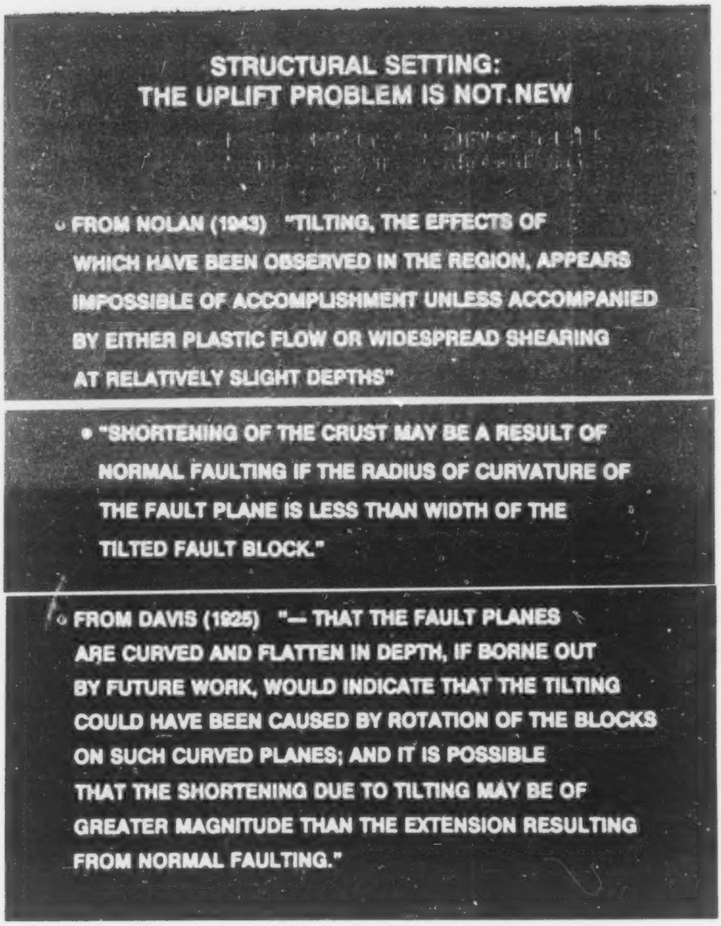
California Energy Company, has drilled a number of successful wells. These wells range in depth from 1500 to 8000 feet and encounter a wide range of rocks and attendant alteration products. Wells in the field range up to 1 million pph mass flow in capacity and to over 650 F in temperature.



SLIDE 8

Following a drilling program from late 1981 to March 1986, a decision was made to construct the first power plant. This is a dual-flash unit, designed by Mitsubishi and being erected by Guy F. Atkinson. This initial 32 MW plant is expected on line on 30 June 1987.

With this background of successful exploration and development drilling, let us then plunge into the issues of both regional structural geology and specific reservoir geology as we see them at Coso today. We recognize quite clearly, that the mortality rate for exploration models is high, but the data we have in support of the model we are presenting today is in our opinion both extensive and significant.

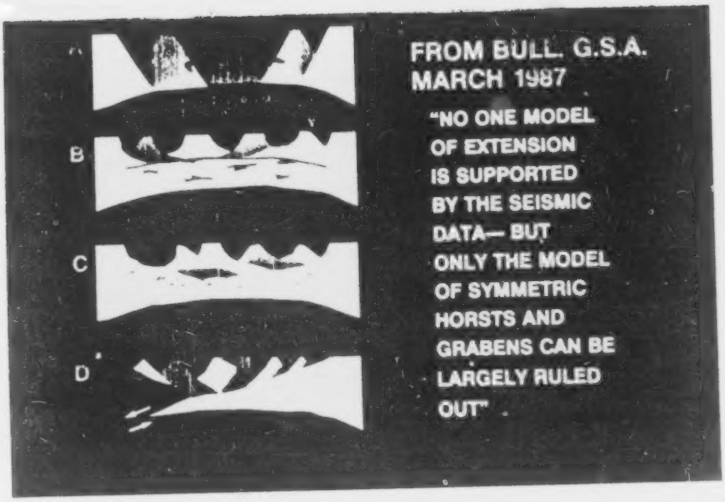


STRUCTURAL SETTING:
THE UPLIFT PROBLEM IS NOT NEW

- FROM NOLAN (1943) "TILTING, THE EFFECTS OF WHICH HAVE BEEN OBSERVED IN THE REGION, APPEARS IMPOSSIBLE OF ACCOMPLISHMENT UNLESS ACCOMPANIED BY EITHER PLASTIC FLOW OR WIDESPREAD SHEARING AT RELATIVELY SLIGHT DEPTHS"
- "SHORTENING OF THE CRUST MAY BE A RESULT OF NORMAL FAULTING IF THE RADIUS OF CURVATURE OF THE FAULT PLANE IS LESS THAN WIDTH OF THE TILTED FAULT BLOCK."
- FROM DAVIS (1925) "— THAT THE FAULT PLANES ARE CURVED AND FLATTEN IN DEPTH, IF BORNE OUT BY FUTURE WORK, WOULD INDICATE THAT THE TILTING COULD HAVE BEEN CAUSED BY ROTATION OF THE BLOCKS ON SUCH CURVED PLANES; AND IT IS POSSIBLE THAT THE SHORTENING DUE TO TILTING MAY BE OF GREATER MAGNITUDE THAN THE EXTENSION RESULTING FROM NORMAL FAULTING."

SLIDE 9

Just as an ore deposit of metals is an anomaly in the broad structural fabric of a region, so is an active geothermal system, an anomaly. We must understand the broad framework or structure that hosts this anomalous feature if we are to be anything more than amateur prospectors. In the case of the Basin and Range, the arguments over fundamental structure that are raging today are not new-consider the words of Nolan in 1943 or Davis in 1925, who both clearly recognized even then, the improbability of the classic Graben and Horst Model that stemmed from Gilbert's work in 1874.

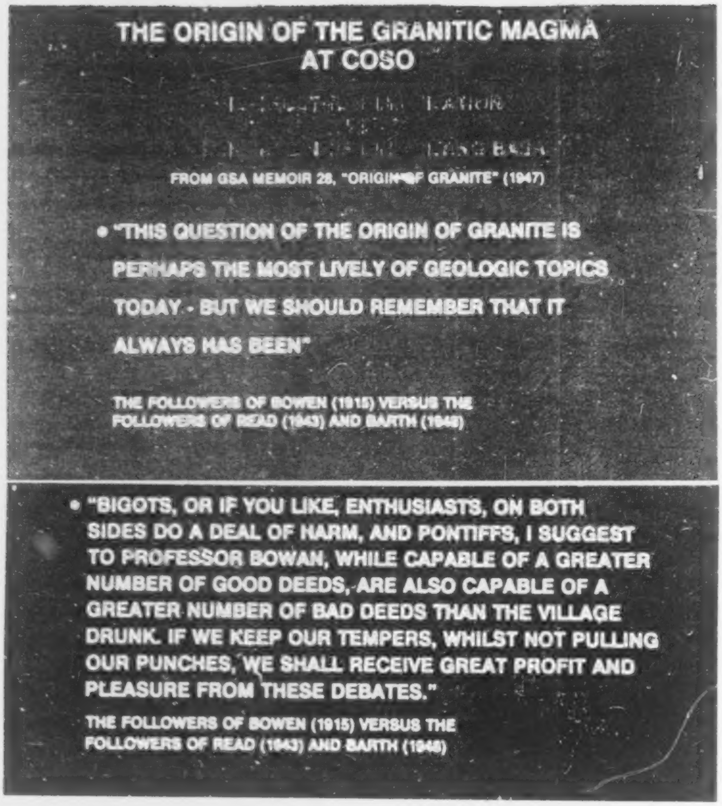


FROM BULL. G.S.A.
MARCH 1987

"NO ONE MODEL
OF EXTENSION
IS SUPPORTED
BY THE SEISMIC
DATA— BUT
ONLY THE MODEL
OF SYMMETRIC
HORSTS AND
GRABENS CAN BE
LARGELY RULED
OUT"

SLIDE 10

Ponder the COCORP 40° N Transect and note the increasing recognition of the demise of the classic Graben and Horst concepts of the past century, as they founder on mass balance, the laws of physics and the revelation of the 3rd dimensional data that has remained proprietary for decades but is now becoming available.



THE ORIGIN OF THE GRANITIC MAGMA
AT COSO

[illegible]
[illegible]
[illegible]

FROM GSA MEMOIR 28, "ORIGIN OF GRANITE" (1947)

- "THIS QUESTION OF THE ORIGIN OF GRANITE IS PERHAPS THE MOST LIVELY OF GEOLOGIC TOPICS TODAY - BUT WE SHOULD REMEMBER THAT IT ALWAYS HAS BEEN"

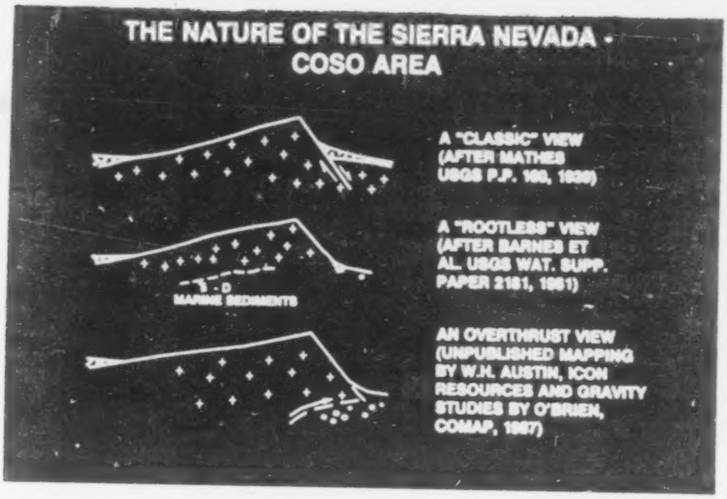
THE FOLLOWERS OF BOWEN (1915) VERSUS THE
FOLLOWERS OF READ (1943) AND BARTH (1948)

- "BIGOTS, OR IF YOU LIKE, ENTHUSIASTS, ON BOTH SIDES DO A DEAL OF HARM, AND PONTIFFS, I SUGGEST TO PROFESSOR BOWAN, WHILE CAPABLE OF A GREATER NUMBER OF GOOD DEEDS, ARE ALSO CAPABLE OF A GREATER NUMBER OF BAD DEEDS THAN THE VILLAGE DRUNK. IF WE KEEP OUR TEMPERS, WHILST NOT PULLING OUR PUNCHES, WE SHALL RECEIVE GREAT PROFIT AND PLEASURE FROM THESE DEBATES."

THE FOLLOWERS OF BOWEN (1915) VERSUS THE
FOLLOWERS OF READ (1943) AND BARTH (1948)

SLIDE 11

At Coso we are not just plunged into the exciting new debates over the very character of the basin and range, we are intimate participants in the fundamental philosophic debates of the very origin of intrusive systems. We subscribe to mid-crustal melting, granitization if you like, with some co-located basaltic leakage of a sub-crustal origin for the main localized heat source at Coso, but we also recognize the far greater greenschist metamorphic heat source of a regional extent that seems to be below the shallower intrusive system.



THE NATURE OF THE SIERRA NEVADA - COSO AREA

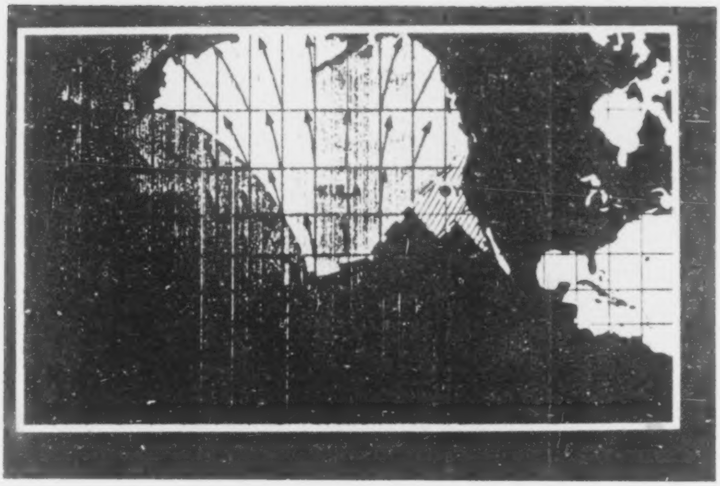
A "CLASSIC" VIEW
(AFTER MATHES
USGS P.P. 160, 1930)

A "ROOTLESS" VIEW
(AFTER BARNES ET
AL. USGS WAT. SUPP.
PAPER 2181, 1981)

AN OVERTHRUST VIEW
(UNPUBLISHED MAPPING
BY W.H. AUSTIN, ICON
RESOURCES AND GRAVITY
STUDIES BY O'BRIEN,
COMAP, 1987)

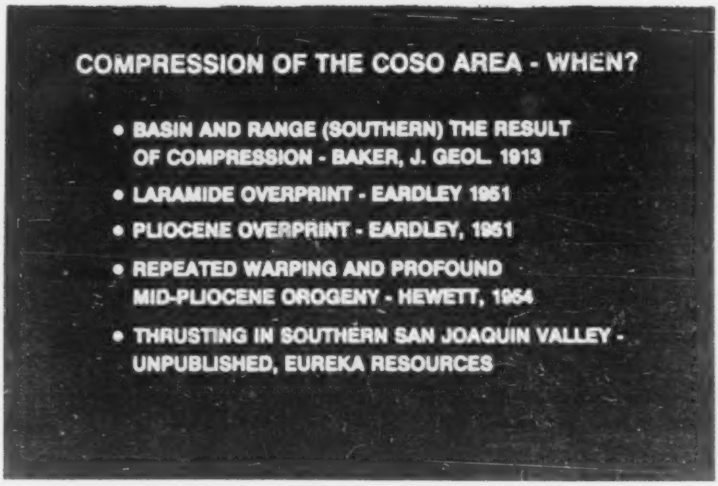
SLIDE 12

It is in our interpretation of the nature of the eastern margin of the Sierra Nevada that we step out onto what many will consider new and if you will pardon the pun, shaky ground. The classic view of the Sierra as a deep, some would say 85,000 foot deep, block of granitic rock bordered by an immense normal fault on its eastern margin founders on the problems of gravity, heat flow, geochemistry, isotope chemistry and structural problems such as the anticlinal folding and faulting of adjacent valley fill sediments with these anticlines and faults simply disappearing beneath the granitics. We believe that a Sierran model based on thrusting is an attractive interpretation that answers many questions and is consistent with all we know today.



SLIDE 13

There seems to be little or no disagreement at present that the margins of the continent are in compression. If then the margins, why not the interior adjacent to the margins?



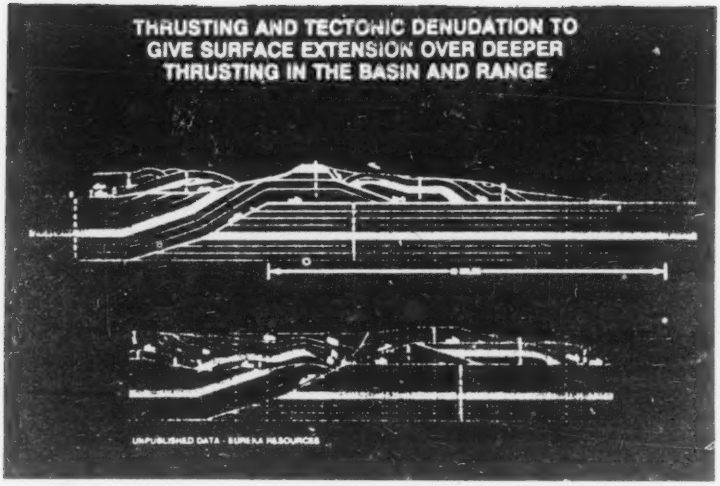
COMPRESSION OF THE COSO AREA - WHEN?

- BASIN AND RANGE (SOUTHERN) THE RESULT OF COMPRESSION - BAKER, J. GEOL. 1913
- LARAMIDE OVERPRINT - EARDLEY 1951
- PLIOCENE OVERPRINT - EARDLEY, 1951
- REPEATED WARPING AND PROFOUND MID-PLIOCENE OROGENY - HEWETT, 1954
- THRUSTING IN SOUTHERN SAN JOAQUIN VALLEY - UNPUBLISHED, EUREKA RESOURCES

SLIDE 14

The compressional history of the southern Sierra Nevada and the adjoining areas on both sides of the Sierra is clear cut. Let us briefly look at these features; an intense Pliocene compressional overprint; episodes of warping; and some newly recognized thrusting in the San Joaquin on the westside of the Sierra Nevada.

Baker in 1913 began the debate over thrusting in the Basin and Range, and scientists such as Peter Misch of the University of Washington have continued to publish on overthrusting details and it is increasingly with us today.

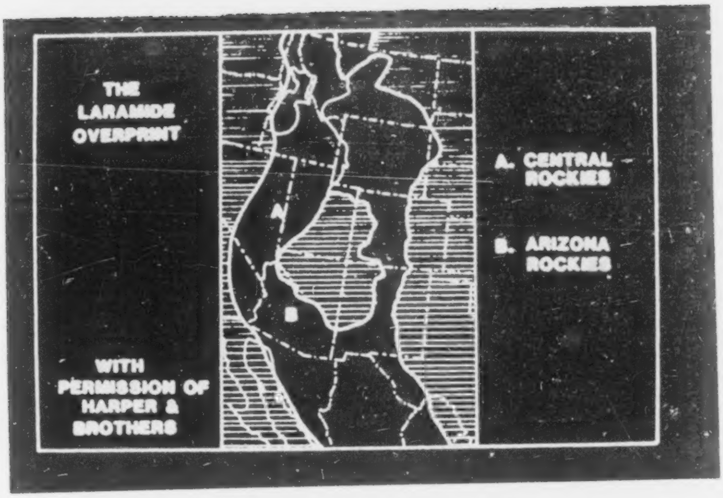


THRUSTING AND TECTONIC DENUDATION TO GIVE SURFACE EXTENSION OVER DEEPER THRUSTING IN THE BASIN AND RANGE

UNPUBLISHED DATA - EUREKA RESOURCES

SLIDE 15

Let us look at a typical proprietary study of the Basin & Range (from a few years ago) and we see thrusting, a major thrust ramp, and the appearance of extension on the surface in the form of thin tectonic denudation slices.



THE
LARAMIDE
OVERPRINT

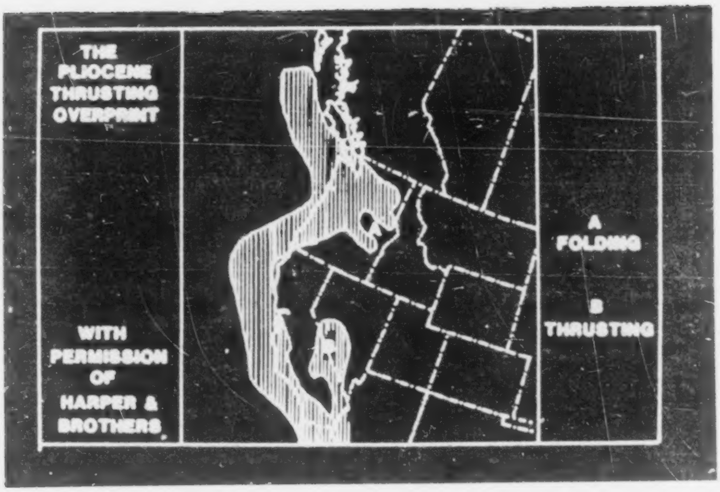
WITH
PERMISSION OF
HARPER &
BROTHERS

A. CENTRAL
ROCKIES

B. ARIZONA
ROCKIES

SLIDE 16

We find that Coso is clearly within the Laramide zone of activity, being located essentially where Eardley would grade the Central Rockies into the Southern Arizona Rockies. [We use Eardley's excellent 1951 text to show that our ideas are not so much new as a re-emphasis of problems and concepts that need to be reexamined in the light of extensive industrial and academic experience now becoming available to the geologic community as a whole.]



THE PLIOCENE THRUSTING OVERPRINT

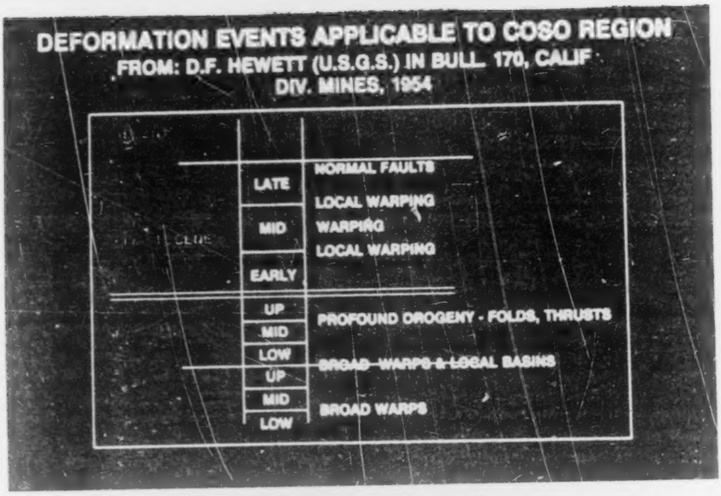
WITH PERMISSION OF HARPER & BROTHERS

A FOLDING

B THRUSTING

SLIDE 17

Of far greater local interest and certainly more timely in terms of new thrusting or rejuvenated motion on older thrusts, we see a zone of Pliocene thrusting clearly called out by Eardley, and we cannot help but note the obvious block Eardley showed on the south side of the Garlock for which NASA scientists have recently described the rotational geometry. Coso is in that prominent zone of thrusting north of the Garlock.

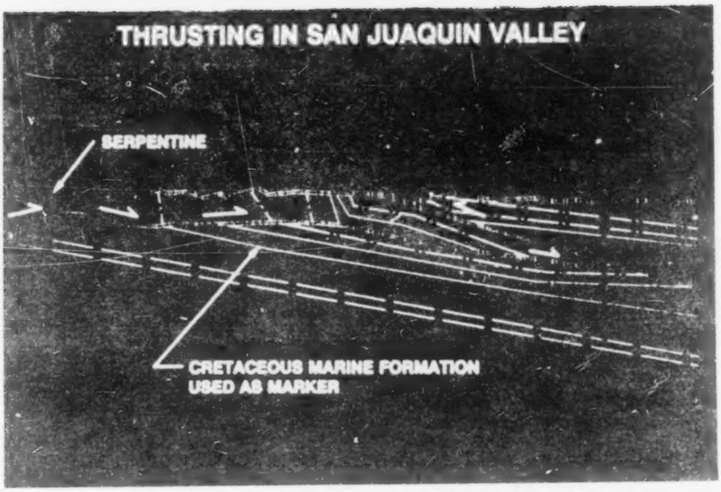


DEFORMATION EVENTS APPLICABLE TO COSO REGION
FROM: D.F. HEWETT (U.S.G.S.) IN BULL. 170, CALIF
DIV. MINES, 1954

		NORMAL FAULTS
	LATE	LOCAL WARPING
	MID	WARPING
		LOCAL WARPING
	EARLY	
	UP	PROFOUND OROGENY - FOLDS, THRUSTS
	MID	
	LOW	BROAD WARPS & LOCAL BASINS
	UP	
	MID	BROAD WARPS
	LOW	

SLIDE 18

Hewett, in his chart of deformational events in this region notes warping from mid-Miocene to the beginning of late Pleistocene, with, in his words - profound orogeny - folds and thrusts - at the end of mid-Pliocene, with the thrusting from this orogeny very evident in the Panamints, and extensive thrusts of uncertain age in the Darwin Hills, Talc City Hills, Argus Mountains, Coso Mountains and adjacent Sierra, it would be highly unlikely that motion would not occur on both new low angle faults as well as on older thrusts within this area through out this entire span of time, motion primarily the result of compression although relaxation slumping and tectonic denudation cannot be ignored.



THRUSTING IN SAN JUAQUIN VALLEY

SERPENTINE

CRETACEOUS MARINE FORMATION
USED AS MARKER

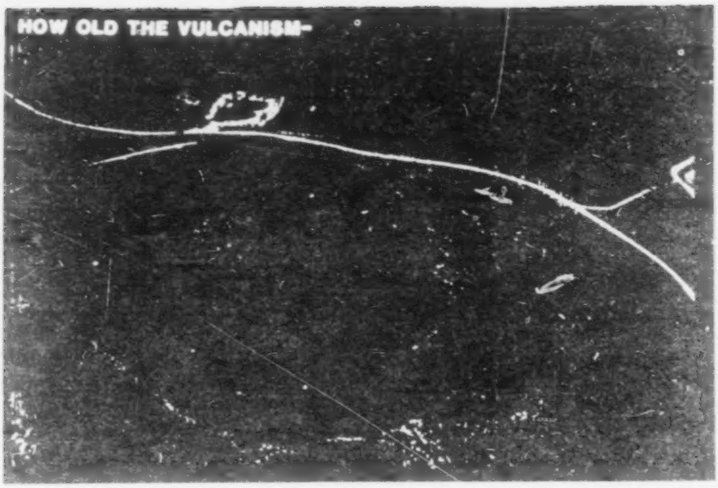
SLIDE 19

Briefly, we wish to call to your attention the increasing recognition of thrusting of a prominent nature in the oil fields of the San Joaquin Valley, showing for our purposes simply that the Sierra Nevada has truly had the opportunity to be compressed and faulted into a basin and range type structural feature.

HOW OLD THE VULCANISM ?

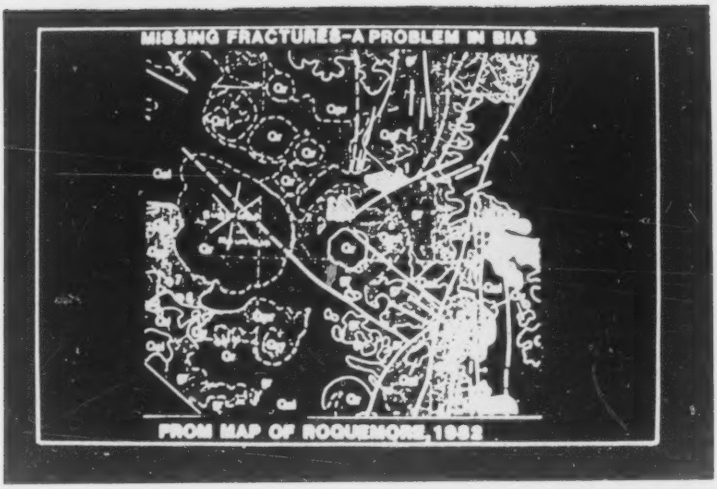
SLIDE 20

Given thrusting in the region of Coso, is the vulcanism at Coso reflective of an off set heat source, lost to the west under the Sierra or is the heat source still located below Coso, a vital question in evaluating the size and longevity of the geothermal field. We see on this slide features ranging from the subdued wreckage of an older perlite dome, to domes too young for ordinary dating procedures, closely spaced with one another, indicating a heat source active below, or at least feeding into a localized relativily shallow zone.



SLIDE 21

This is a close up of a volcanic feature at Coso so young it has no damage marks from the most recent pluvial event - making it probably less than 4000 years BP, and quite possibly less than 1000 years BP.

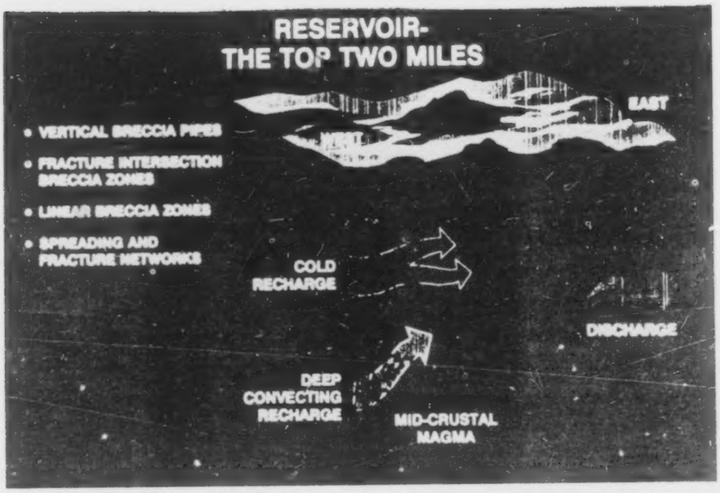


MISSING FRACTURES-A PROBLEM IN BIAS

FROM MAP OF ROQUEMORE, 1982

SLIDE 22

To compound our problem of structural interpretation, we must recognize that recent mapping in Coso, like many such maps shows a problem faced by any one mapping or using maps, the question of what fractures to show and what to ignore. We believe it is rather obvious that this map reflected the author's bias toward a model of east-west extension for Coso, yet to the person planning a drilling campaign, one does not drill regional models - one drills actual fracture patterns if the intent is to be a sharpshooter as opposed to relying on a scatter gun drilling effort, so that in the evaluation of the actual structure present at Coso, one cannot blandly ignore the fracture pattern so clearly shown by linear arrays of perlite domes, for these fractures and their intersections are critical elements of the reservoir and critical drilling targets, whether covered by veneers of volcanic debris, and whether or not they fit some popular regional model of the geology.



RESERVOIR-
THE TOP TWO MILES

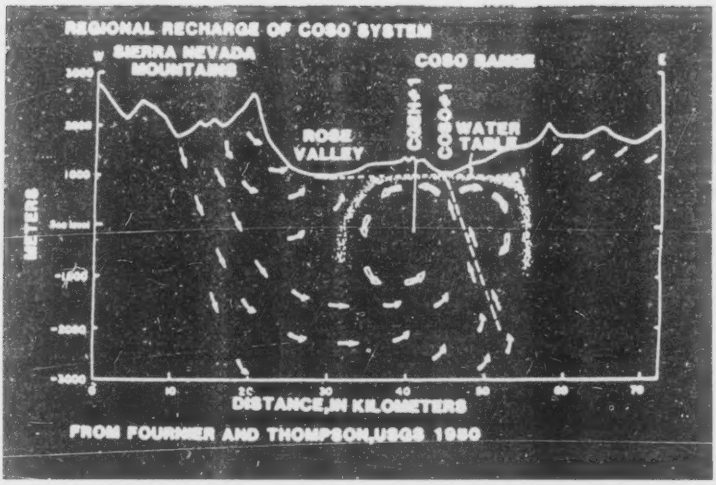
- VERTICAL BRECCIA PIPES
- FRACTURE INTERSECTION BRECCIA ZONES
- LINEAR BRECCIA ZONES
- SPREADING AND FRACTURE NETWORKS

EAST
WEST
COLD RECHARGE
DISCHARGE
DEEP CONVECTING RECHARGE
MID-CRUSTAL MAGMA

SLIDE 23

This cartoon shows in general terms the actual drilling targets being sought at Coso:

1. Vertical breccia pipes or zones both volcanic and hydrothermal in origin, the most productive zones to date..
2. Fracture intersection breccias.
3. Linear breccia zones.
4. Spreading fracture networks, the least productive to date but of great value as injection sites.



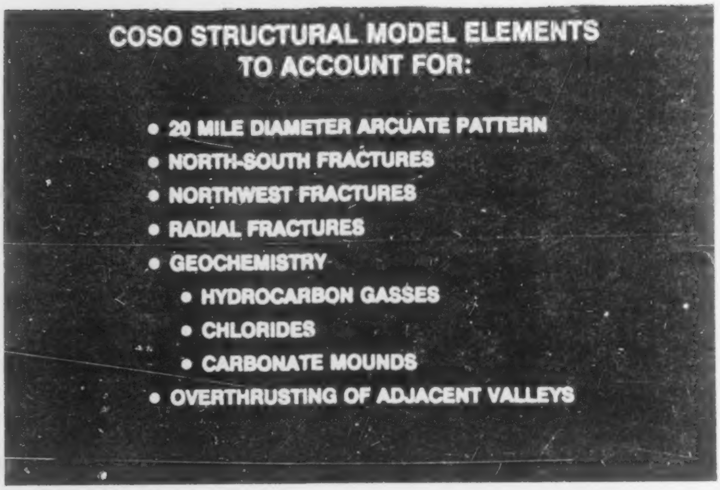
REGIONAL RECHARGE OF COSO SYSTEM

W
SIERRA NEVADA MOUNTAINS
COSO RANGE
E
ROSE VALLEY
COSEH+1
COSO+1
WATER TABLE
METERS
3000
2000
1000
Sea level
-1000
-2000
-3000
0
10
20
30
40
50
60
70
DISTANCE,IN KILOMETERS

FROM FOURNIER AND THOMPSON,USGS 1980

SLIDE 24

This cross section prepared by Fournier and Thompson shows both recharge patterns for the Coso reservoir and the importance of the pervasive fracturing and breakup of the thin thrust sheet of Sierran granitics. It is this process of thrusting and breakup that provides the massive permeability in the Sierran recharge zones as well as in the reservoir itself, that enables the shallow (upper two miles) portion of Coso to test out as so highly productive.

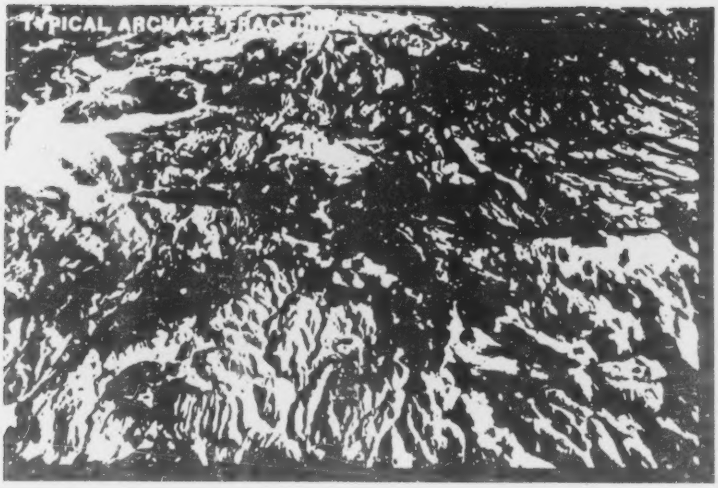


COSO STRUCTURAL MODEL ELEMENTS TO ACCOUNT FOR:

- 20 MILE DIAMETER ARCUATE PATTERN
- NORTH-SOUTH FRACTURES
- NORTHWEST FRACTURES
- RADIAL FRACTURES
- GEOCHEMISTRY
  - HYDROCARBON GASSES
  - CHLORIDES
  - CARBONATE MOUNDS
- OVERTHRUSTING OF ADJACENT VALLEYS

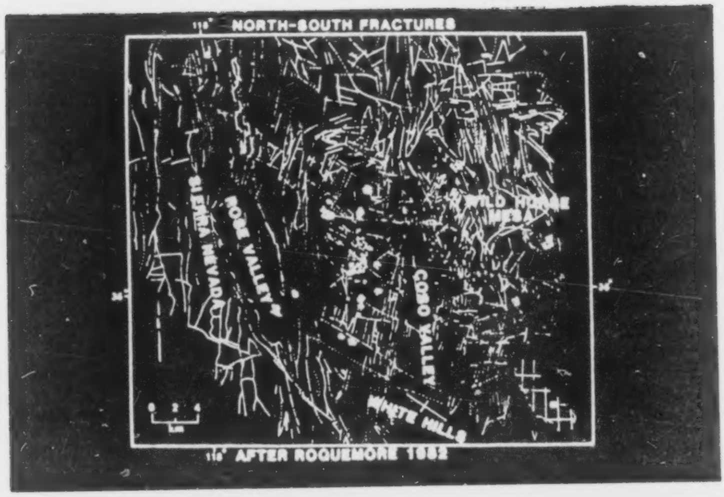
SLIDE 25

Whatever model one selects for the Coso Geothermal field it must account for the 20 mile diameter arcuate fracture pattern, the north-south fractures cresting the folded granitics of the central ridge; the prominent north-west fractures that offset the Sierran granitics, the radial fractures within the Coso Geothermal Field, the geochemistry of the steam wells and carbonate mounds of the area, and the over thrusting seen in adjacent valleys and ranges. Let us look at examples of these:


TYPICAL ARCUATE FRACTU

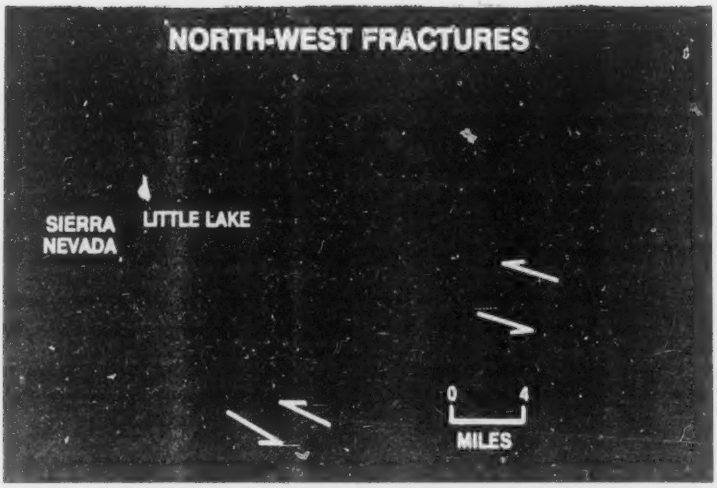
SLIDE 26

Arcuate fracturing, 65° inward dip, that forms the Northern quadrant of the Coso arcuate fracture zone.


118°
NORTH-SOUTH FRACTURES
SIERRA NEVADA
ROSE VALLEY
WILD HORSE MESA
COSO VALLEY
WHITE HILLS
36°
36°
0 2 4
km
118°
AFTER ROQUEMORE 1982

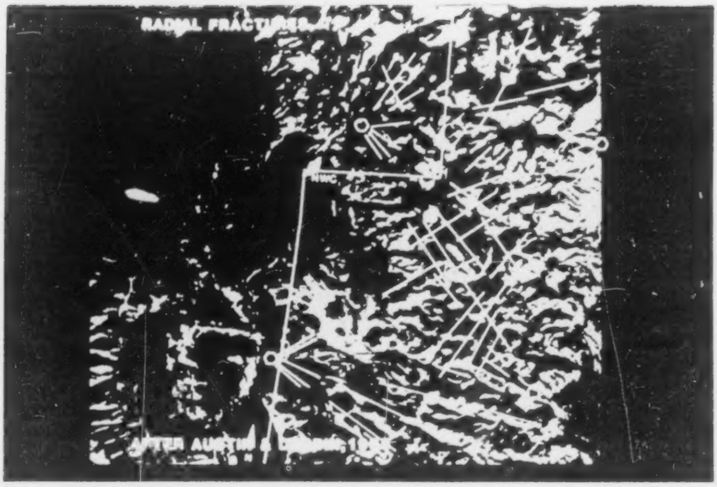
SLIDE 27

North-south extensional fracturing mapped by Roquemore and marking the crest of the main fold of the thrust sheet of Coso and the adjacent fold over the thrust ramp zone of the Argus range to the east.


NORTH-WEST FRACTURES
SIERRA NEVADA
LITTLE LAKE
0
4
MILES

SLIDE 28

The north west trending fractures, apparently compliments to the Garlock's main sense of motion as shown by drag folding on the Garlock itself, but in any event, off setting the Sierra by some 7800 feet at Little Lake and nearly 1400 feet at No Name Canyon, as examples.



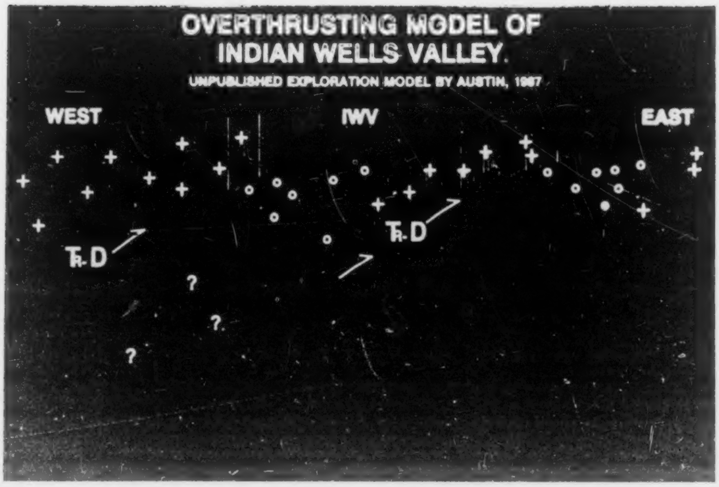
SLIDE 29

The radial fractures noted by Austin and Durbin in their study of the Coso Reservoir - for the perlite dome rows are not parallel, they converge, and one can interpret these radial fractures as the result of hoop stresses about four nodal points that can best be considered zones of forcible intrusion at shallow depths.

TYPICAL CARBONATE MOUND

SLIDE 30

The carbonate mounds of the southern and central Sierra, studied by Barnes et al are not unique to the Sierra indeed, we have large mounds in the Argus, some in the Coso's and carbonate leakage in the eastern-most Sierra as well, strongly suggestive of marine sediments below the granitic surface.

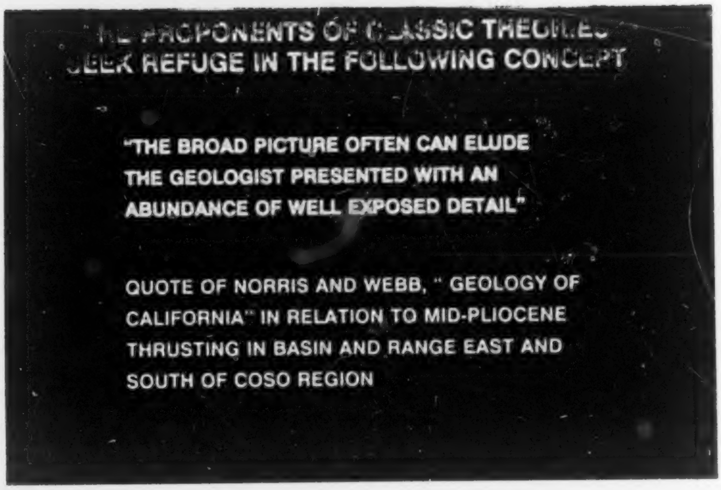


OVERTHRUSTING MODEL OF INDIAN WELLS VALLEY.

UNPUBLISHED EXPLORATION MODEL BY AUSTIN, 1987

SLIDE 31

Mapping by Ward Austin of Icon and detailed gravity interpretation by O'Brien of Co-map that shows the Indian Wells Valley south of Coso to be overthrust by at least 7 KM - that is, 7KM of granite has moved out over the valley fill. Not only has Silver of CalTech found and published on stacked low angle faults in the Sierra just south of Indian Wells Valley, but the air photo and gravity data is powerfully supportive of thrusting along much of the southern Sierra front if not all of it, including the portion adjacent to Coso.



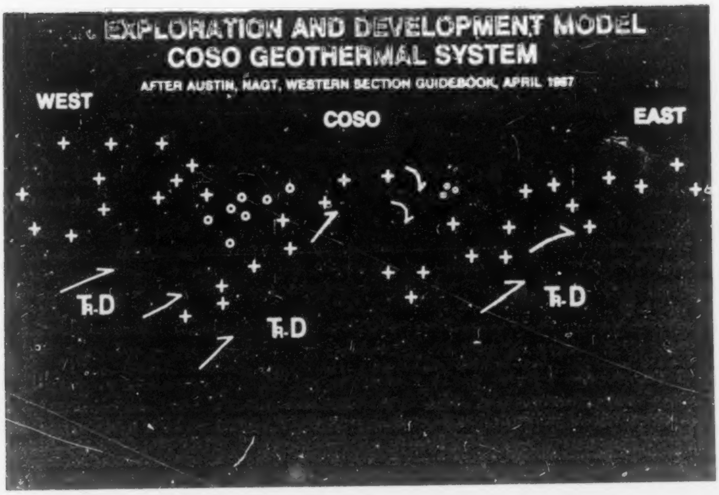
THE PROPONENTS OF CLASSIC THEORIES SEEK REFUGE IN THE FOLLOWING CONCEPT

"THE BROAD PICTURE OFTEN CAN ELUDE THE GEOLOGIST PRESENTED WITH AN ABUNDANCE OF WELL EXPOSED DETAIL"

QUOTE OF NORRIS AND WEBB, " GEOLOGY OF CALIFORNIA" IN RELATION TO MID-PLIOCENE THRUSTING IN BASIN AND RANGE EAST AND SOUTH OF COSO REGION

SLIDE 32

We are realists enough to recognize that our interpretations are going to excite great controversy among traditionalists, just as it will take a good many more generations to resolve the mechanics of Basin and Range Fault formation, not to mention the debates over the origins of granite.

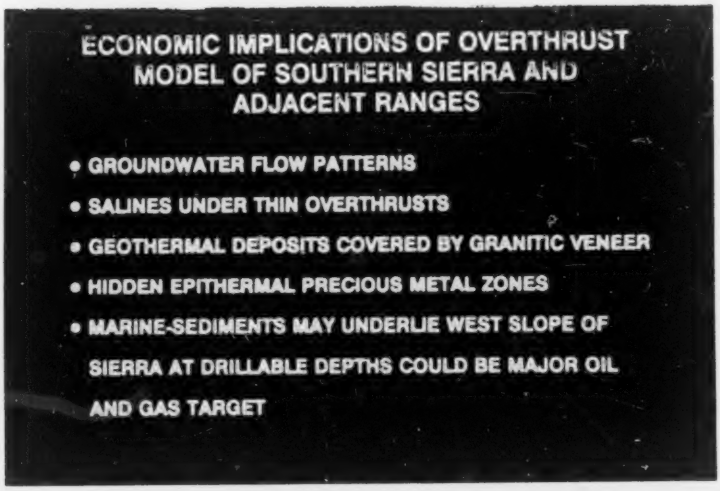


EXPLORATION AND DEVELOPMENT MODEL
COSO GEOTHERMAL SYSTEM

AFTER AUSTIN, NAGT, WESTERN SECTION GUIDEBOOK, APRIL 1987

SLIDE 33

Our exploration model for Coso shows the Sierra thrust eastward as an "exotic" terraine of a rootless nature, riding with and over marine sediments. The folded granites of the central ridge are the "rolled over" leading edge of a thrust sheet, and the active intrusive below is tucked into the underlying thrust ramp of the Argus Mountains. Motion on the Coso system of thrusting post dates one perlite dome, what we believe to now be a rootless dome of 1 million years age. You will note on our model a proposed small accumulation of magma at a depth of about 11,000 feet. This is supported by seismic and thermal gradient data and we believe it marks the base of the granitic portion of the shallow reservoir we are developing at Coso. We propose that the marine sediments believed to underly the Sierra are beneath Coso (and the Argus Range too) and that this marine sediment layer is the source of both the hydrocarbons in the steam at Coso and the increasing chloride at depth.



ECONOMIC IMPLICATIONS OF OVERTHRUST MODEL OF SOUTHERN SIERRA AND ADJACENT RANGES

- GROUNDWATER FLOW PATTERNS
- SALINES UNDER THIN OVERTHRUSTS
- GEOTHERMAL DEPOSITS COVERED BY GRANITIC VENEER
- HIDDEN EPITHERMAL PRECIOUS METAL ZONES
- MARINE-SEDIMENTS MAY UNDERLIE WEST SLOPE OF SIERRA AT DRILLABLE DEPTHS COULD BE MAJOR OIL AND GAS TARGET

SLIDE 34

The economic implications of our structural model for Coso and the southern Sierra Nevada are exciting. Obviously we can neither prove nor disapprove our model at this stage of the game, but we would point out that neither popular. dogma nor controversy have any probative value - rather, the market place will be our real judge. If indeed the model we show for the southern Sierra Nevada is believable to the exploration community, then the following economic corollaries exist for testing by industry and municipalities:

1. Groundwater

   There is the potential for major subsurface groundwater recharge downward through the Sierran thrust sheet into the underlying valley fill sediments overridden by the thrusting, and in some valleys for major water loss as well, into valleys to the east.

   There is potentially significant additional ground water storage in overridden valley fill in the valleys adjacent to the Sierra, storage that has been unrecognized to date.

2. Saline Minerals

There is the potential for Saline Mineral deposits in Searles Valley that extend to the west under the thin granitic veneer of the Argus Range and the Spangler Hills, and there is the possibility such deposits exist in overridden portions of Panamint Valley, as well.

3. Geothermal Deposits

In Indian Wells Valley, unpublished studies show groundwater that is clearly a steam condensate as well as zones of groundwater with a silica content of over 70PPM. These waters give strong appearance of being leakage from beneath the Sierran granitics, and gravity data suggests an intrusive just to the west, beneath the thrust sheet, is the source of these fluids. This and other hidden geothermals appear highly possible in the region.

4. Precious Metal Ores

All 14 of the geothermal prospects we showed for the Coso region, have the potential for associated epithermal ore deposits. Several of these areas are at or near pervasive zones of hydrothermal alteration It is quite conceivable that pulses of mineralization may be represented by both discrete zones or elongated zones in overlying thin thrust sheets, or as linear boiling zone type deposits just behind the leading edges of thrusts.

5. Oil and Gas

Of especial interest to this group, if indeed the Sierran granitics are not only rootless but overly marine sediments, then as one goes westward away from the intrusive centers associated with the underlying thrust ramp geometry, it is quite conceivable the conditions favor oil and gas accumulation in and beneath the granitic veneer. Thus the western foothills of the Sierra Nevada and the eastern edge of the San Joaquin may contain major petroleum reserves. We think it might be time to go a-looking...

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NAVWPNCEN 5605/9 (Rev. 3-85)

REFERENCE (A)	SERIAL	DATE
	Ser 2606/8606	10 Jul 87

TO [illegible]

Mr. Donald Finn
%California Energy Company, Inc.
3333 Mendocino Avenue Suite 100
Santa Rosa, CA 95401

VIA

RECEIVED
JUL 13 1987
C.E.C.I.

The following technical publications, requested by reference (A), are forwarded for retention.

COPY/ENCL NO.	IDENTIFICATION OF TECHNICAL PUBLICATIONS

Encl: (1) AAPG Presentation of 6th June 1987
" Structural Interpretation of The Coso Geothermal Field"
Austin - Bishop - Moore

SIGNATURE

BY DIRECTION

FROM

Commander (Code 2606)
Naval Weapons Center
China Lake, CA 93555 - 6001

503-229-5580

Geothermal exploration in Oregon, 1986

by George R. Priest and Neil M. Woller, Oregon Department of Geology and Mineral Industries; David D. Blackwell, Southern Methodist University; and Marshall W. Gannett, Oregon Water Resources Department

ABSTRACT

The general level of leasing activity was similar to last year's level. Drilling activity increased partly as a result of the U.S Department of Energy (USDOE) Cascade Deep Thermal Gradient Drilling Program, a cooperative effort between USDOE and industry. Drilling of intermediate-depth (1.2- to 1.5-km-deep) diamond core holes continued to be the dominant form of exploration in 1986. All drilling occurred either at Newberry volcano or in the High Cascades. Holes generally need to be relatively deep to be sure of penetrating the blanket of cold ground water that masks deep heat flow in these two areas. The most exciting news from the drilling programs is the discovery of temperatures of 107.1 °C at 405-m depth in California Energy's MZI-IIA hole on the southeast flank of Mount Mazama (Crater Lake area). Other publicly available data from the Cascade and Newberry drilling programs indicate that, in most cases, the holes could have gotten reliable temperature-depth data at depths of as little as 0.65 km. Drilling through the cold water blanket or "rain curtain" may therefore be somewhat easier than previously thought.

Original permit requirements prompted California Energy Company to elect to suspend drilling on its MZI-IIA hole. Possible alternatives to these requirements are being studied by the U.S. Bureau of Land Management (USBLM). Possible classification of the heat-flow anomalies in the floor of Crater Lake as "significant thermal features" by the federal government may have future regulatory impacts on geothermal development on Mount Mazama.

New age data from the U.S. Geological Survey (USGS) indicate that the silicic volcanic highland west of Bend may be much younger than previously thought. An average K-Ar age of about 0.3 million years (Ma) was obtained on an ash flow that was probably erupted from the highland. The 24-km-wide highland could therefore harbor still-hot magma bodies and associated hydrothermal systems.

Direct use of geothermal fluids continued to expand slowly in 1986, and more expansion is expected in 1987. Most of the activity is occurring at Klamath Falls, La Grande, Lakeview, and Vale. Oregon Trail Mushroom Company, a new $8.5-million fresh-pack operation, utilized the 107 °C water at Vale for heating. Klamath Falls expanded its district heating system. Use of geothermal heat for a greenhouse and for residential heating continued at Lakeview. New developments are planned at Olene Gap near Klamath Falls.

222F

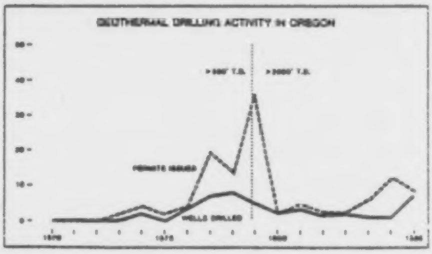


Figure 1. Geothermal well drilling in Oregon. Vertical line indicates time when definition of geothermal well was changed to a depth greater than 610 m (2,000 ft).

LEVEL OF GEOTHERMAL EXPLORATION

Introduction

In 1986, geothermal-gradient drilling continued in the young volcanic rocks of the High Cascades and Newberry volcano. The amount of leased land declined on U.S. Bureau of Land Management (USBLM) land but increased on U.S. Forest Service (USFS) land. The total amount of federal land leased for geothermal resources has in general changed by only small amounts over the last two years. The trend toward deeper drilling and more stable leasing patterns is the natural result of industry moving into more advanced phases of exploration.

Drilling activity

Figure 1 shows the number of geothermal wells drilled and geothermal drilling permits issued in 1986. The number of permits decreased slightly, whereas the number of wells drilled increased. The increase in drilling was caused by two factors: (1) the need for companies to begin testing of leased lands in order to keep their leases and consolidate lease positions, and (2) the influx of U.S. Department of Energy (USDOE) matching funds for temperature-gradient drilling.

The USDOE program was focused on exploration of the High Cascades, Newberry volcano, and Medicine Lake volcano. This

Table 1. *Active permits for geothermal drilling in 1986*

Permit no.	Operator, well, API number	Location	Status, proposed total depth (m)
116	California Energy Co. MZI-IIA 035-90014	SW¼ sec. 10 T. 31 S., R. 7½ E. Klamath County	Suspended; 413.
117	California Energy Co. MZII-1 035-90015	SE¼ sec. 13 T. 32 S., R. 6 E. Klamath County	Suspended; 148.
124	Thermal Power Co. CTGH-1 36-047-90002	SE¼ sec. 28 T. 8 S., R. 8 E. Marion County	Suspended; 1,463
125	Geo Operator Corp. N-2 36-017-90018	SW¼ sec. 29 T. 21 S., R. 12 E. Deschutes County	Suspended; 1,337.
126	Geo Operator Corp. N-3 36-017-90019	NE¼ sec. 24 T. 20 S., R. 12 E. Deschutes County	Suspended; 1,219.
127	California Energy Co. CE-NB-3 36-017-90020	NW¼ sec. 16 T. 22 S., R. 13 E. Deschutes County	Suspended; 1,325.
128	California Energy Co. CE-NB-1 36-017-90021	NW¼ sec. 16 T. 22 S., R. 12 E. Deschutes County	Permit issued; 1,219.
129	California Energy Co. CE-NB-4 36-017-90022	SE¼ sec. 4 T. 21 S., R. 12 E. Deschutes County	Suspended; 1,225.
130	Trendwest, Inc. Olene Gap 1 36-035-90016	NW¼ sec. 35 T. 39 S., R. 10 E. Klamath County	Permit issued; 914.

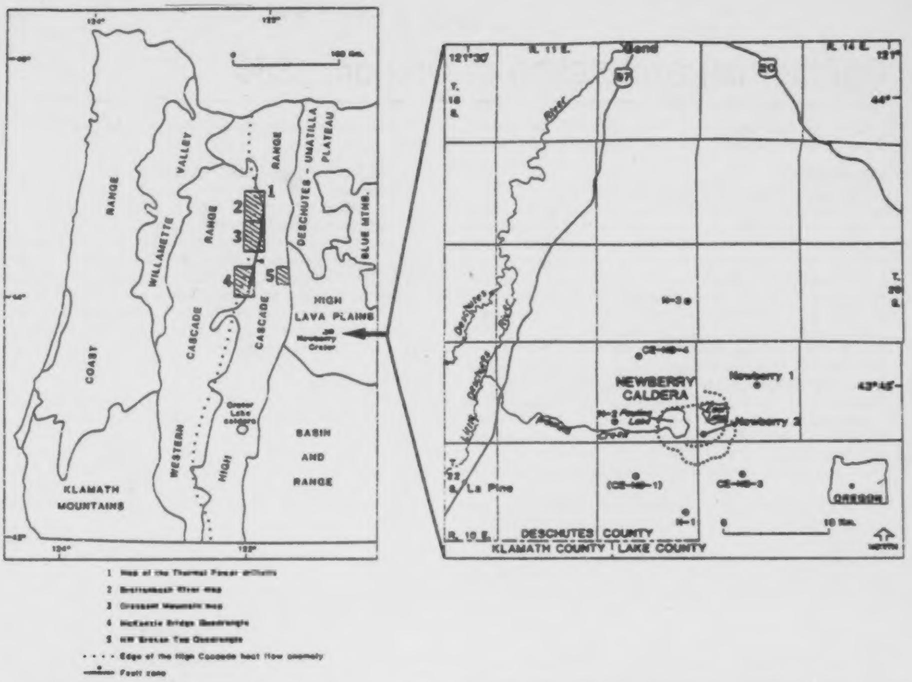

124°
122°
0
100 Km.
COAST
RANGE
WILLAMETTE
VALLEY
WESTERN
CASCADE
RANGE
HIGH
CASCADE
RANGE
DESCHUTES - UMATILLA
PLATEAU
BLUE MTNS.
HIGH
LAVA PLAINS
Newberry
Crater
Crater
Lake
caldera
BASIN
AND
RANGE
KLAMATH
MOUNTAINS
1
2
3
4
5
121°30'
R. 11 E.
Bend
97
20
R. 14 E.
121°
44°
T.
18
S.
River
Deschutes
River
Little
Deschutes
N-3
CE-NB-4
NEWBERRY
CALDERA
Newberry 1
Newberry 2
N-2
Paulina
Lake
Paulina
Creek
43°45'
T.
20
S.
T.
22
S.
La Pine
(CE-NB-1)
CE-NB-3
N-1
OREGON
0
10 Km.
NORTH
R. 10 E.
DESCHUTES COUNTY
KLAMATH COUNTY
LAKE COUNTY
1 Map of the Thermal Power drillsite
2 Breitenbush River map
3 Crescent Mountain map
4 McKenzie Bridge Quadrangle
5 NW Broken Top Quadrangle
Edge of the High Cascade heat flow anomaly
Fault zone

Figure 2. Physiographic provinces of western Oregon (after Dicken, 1950), showing areas of DOGAMI-supported geologic mapping and locations of recently drilled temperature-gradient holes. Also shown is the edge of the High Cascade heat-flow anomaly from Black and others (1983).

focus was partly responsible for the drilling activity in the High Cascades and at Newberry volcano. Temperature-gradient holes were drilled on the flanks of Mount Mazama (Crater Lake area), Newberry volcano (Paulina Lake area), and northwest of Mount Jefferson (Table 1; Figure 2).

Most holes were drilled by diamond coring, continuing a trend established in previous years. The diamond core technique allows the operators to drill through zones of lost circulation that are common in the highly fractured young volcanic rocks of the High Cascades.

The target depth of most of the temperature-gradient holes is about 1.2 km, although the hole drilled by Thermal Power Company northwest of Mount Jefferson was permitted to 1.52 km and drilled to 1.46 km (Table 1). No permits for prospect holes (holes less than 610 m) were issued (Figure 3). The prevailing perception of the industry is that drilling to a depth of about 1.2 km is necessary in order to guarantee that the holes will penetrate the so-called "rain curtain" effect that masks deep heat flow in the High Cascades and Newberry volcano. Temperature-gradient data from many of the holes suggest that drilling to somewhat shallower depths may effectively penetrate the "rain curtain" in most areas (see discussion of the temperature-gradient data below).

Leasing

The total leased acreage of federal lands decreased only about 4 percent in 1986 (Table 2; Figure 4). This slight decrease in leased lands was the result of a 58-percent decline in USBLM noncompetitive leases coupled with a 3-percent rise in USFS noncompetitive leases (Table 2). Overall, the amount of leased federal lands seems to have begun to stabilize, although the shift of land positions from the southeast Oregon USBLM lands to the Cascade lands of the USFS is continuing. A continuing slight decrease in leased lands is expected as companies explore and consolidate their land holdings. A major discovery in a new area could easily change this picture, however.

KGRA SALES

No Known Geothermal Resource Area (KGRA) lands were offered for bid in 1986.

DIRECT-USE PROJECTS

Direct use of geothermal fluids continued to expand slowly in 1986, and more expansion is expected in 1987. Most of the activity is occurring in the Klamath Falls area, La Grande, Lakeview, and Vale.

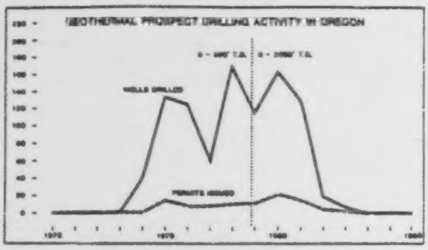


Figure 3. Geothermal prospect-well drilling in Oregon. Vertical line indicates time when definition of prospect well was changed to a depth of less than 610 m (2,000 ft).

Oregon Trail Mushroom Company, a new $8.5-million fresh-pack operation, utilizes a 107 °C aquifer at Vale for heating and cooling. Geothermal heat is used to maintain a constant temperature for various processes in the 16,728-m^2 facility. The operation employs about 100 people and produces 2.3 million kg of mushrooms per year. Other users at Vale are Ag-Dryers (a grain-drying facility), Hawley Meat Packing (slaughterhouse heating and washing), and a greenhouse operation. More information on this area is given below in the section on activities of the Oregon Water Resources Department (OWRD).

Klamath Falls is pursuing expansion of its district heating project. Whereas the downtown loop is temporarily shut down because of pipe leakage, a new heating loop was added to heat local residences in the Michigan Street area (Kent Colahan, personal communication, 1987). Construction of the new loop was supported by a $600,000 grant from the U.S. Department of Housing and Urban Development. The same resource is used by the Oregon Institute of Technology (OIT) to heat the campus, although, unlike the City, which reinjects spent fluids, the OIT system discharges to the surface.

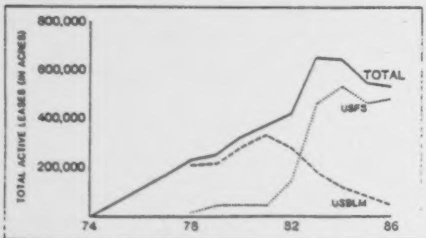


Figure 4. Active geothermal leases on federal lands in Oregon from the inception of leasing in 1974 through December of 1986.

Table 2. *Geothermal leases in Oregon in 1986*

Types of leases	Numbers	Acres	
Federal active leases:			
Noncompetitive, USBLM	22	25,106	
Noncompetitive, USFS	256	475,361	
KGRA, USBLM	12	26,000	
KGRA, USFS	1	360	
Changes during 1986:			
Total 1-1-86	294	545,916	
Noncompetitive, USBLM	-19	-33,921	(-58%)
Noncompetitive, USFS	+14	+13,935	(+3%)
KGRA, USBLM	+3	+1,938	(+8%)
KGRA, USFS	-1	-1,040	(-74%)
Subtotal	-3	-19,088	(-4%)
Total 12-31-86	291	526,828	
Federal leases relinquished:			
Noncompetitive, USBLM	244	381,052	
Noncompetitive, USFS	78	175,708	
Competitive, USBLM	50	92,308	
Competitive, USFS	7	11,565	
Federal leases pending:			
Noncompetitive, USBLM	0	0	
Noncompetitive, USFS	110	No data	
State leases:			
Total active in 1986	No data	No data	
Applications pending in 1986	No data	No data	
Private leases:			
Total active in 1986	No data	No data	

Olene Gap, a thermal area east of Klamath Falls, has been the focus of efforts by Trendwest Company to develop a geothermal industrial park. According to an article in the November 12, 1986, Klamath Falls *Herald and News*, Trendwest drilled a test hole to 183 m and encountered a 38,000-lpm aquifer at about 22 °C. The company intended to drill to about 760-910 m but became discouraged when the aquifer was encountered. Bob Kent of Trendwest Company was quoted as stating, "We hit upon a source of water that is so large, it might make it difficult to bring up [hot water] at that location." The article goes on to indicate that Trendwest has been contacted by aquaculture firms interested in utilizing the 22 °C aquifer to raise channel catfish. Exploration will reportedly continue in the area.

No significant geothermal development has occurred recently in Lakeview. The binary cycle electrical generating station set up several years ago remains idle primarily due to economic considerations and low energy demand. Geothermal heat is used at Lakeview by the Greenhouse, a local company, to maintain optimum growing conditions. Geothermal heat is also used to heat residences in a local subdivision and for the municipal pool.

DOGAMI ACTIVITIES

Oregon Department of Geology and Mineral Industries (DOGAMI) geologists completed field mapping of the McKenzie Bridge 15-minute quadrangle during 1986. Belknap, Foley, Terwilliger, and several unnamed hot springs occur in the area, which encompasses the transition zone between the High Cascades and Western Cascades near South Sister (Figure 2). The map is still being compiled and will not be published until late in 1987 or early 1988.

Two geologic maps, each encompassing the area of a standard 15-minute quadrangle, are scheduled for publication in 1987. These maps cover the transition zone between the High Cascades and Western Cascades from about Breitenbush Hot Springs to just south of the junction of Highways 126 and 20 (Figure 2).

The geologic mapping, which was completed with USDOE support, was aimed at defining the geologic context of major hydrothermal systems in the Cascade Range. The maps delineate a major zone of faulting that starts near the elbow of the North Santiam River and continues south to headwaters of Horse Creek in the McKenzie Bridge quadrangle (Priest and others, 1987b; Black and others, 1987) (Figure 2). The Western Cascades are uplifted relative to the High Cascades at this faulted boundary (Taylor, 1980; Brown and others, 1980; Priest and others, 1982, 1983). Belknap Hot Springs and adjacent unnamed hot springs are on this fault zone (Brown and others, 1980). No major fault has been mapped through Breitenbush Hot Springs. Thermal fluids in the Breitenbush area probably ascend from southeast of the hot springs within a series of gently dipping quartz-bearing ash flows of the Breitenbush Tuff (Priest and others, 1987a,b).

The Department received a grant from USDOE to do a geologic study of the previously mentioned Thermal Power drill hole. Lithologic correlation between the drill core and adjacent areas will be accomplished by (1) geologic mapping of 39 km^2 around the site, and (2) analysis of core from the hole and cuttings from nearby drill holes. Terry Keith and Keith Bargar of the U.S. Geological Survey (USGS) will do complementary studies of the hydrothermal alteration. Temperature and heat-flow data will be analyzed by David D. Blackwell of Southern Methodist University. An open-file report that synthesizes the data in terms of a geothermal model for the Breitenbush-Olallie Butte area will eventually be published.

RELEVANT RESEARCH BY OSU

Edward M. Taylor of Oregon State University (OSU) aided DOGAMI staff in mapping the McKenzie Bridge quadrangle. Taylor has also completed a paper on the geology of the northwest quarter of the Broken Top quadrangle. The paper will be published later in 1987 as a DOGAMI special paper and will contain a folded geologic map at a scale of 1:24,000.

Brittain Hill, a doctoral candidate at OSU, is extending his work on the Quaternary ash flows in the Bend area (Hill, 1985). He has acquired new data that support venting of the ash flows from the highland of silicic volcanic rocks west of Bend. His dissertation will be a unique study of the characteristics of small-scale pyroclastic eruptions. The geothermal implications of his work and of research by the USGS in the same area are discussed below.

ACTIVITIES OF THE U OF O

Workers at the University of Oregon (U of O) completed magnetotelluric surveys at Newberry volcano and in the central Oregon Cascade Range. The results were reported at the 1986 American Geophysical Union conference in San Francisco (Urquhart and others, 1986; Rygh and others, 1986). The survey at Newberry found a pervasive conductor at a depth of about 1 km (Urquhart and others, 1986). The survey in the central Cascade Range found a pervasive midcrustal conductor under the High Cascades and evidence in support of a graben structure that affects both the High Cascades and adjacent Western Cascades (Rygh and others, 1986). This inferred graben appears to be the same structure that has been interpreted from gravity data and referred to as the "Cascade graben" by Couch and Foote (1983).

USGS ACTIVITIES

David Sherrod of the Menlo Park USGS office completed reconnaissance mapping in several areas of the Cascade Range. This work is being done in part to contribute to a project headed by James G. Smith of the USGS aimed at producing geologic maps of the entire Cascade Range in the United States. Compilation of a 1:500,000-scale map of the Oregon part of the range will be one of the map products. Currently completed but unpublished maps by Sherrod include the following:

1. Mount Hood area:
    a) High Rock 15-minute quadrangle.
    b) Mount Wilson 15-minute quadrangle.
    c) 1:50,000-scale composite map composed of the Flag Point, Fivemile Butte, Friend, and Wolf Run 7.5-minute sheets.
    d) Bonneville Dam 15-minute quadrangle.
    e) Part of the Hood River 15-minute quadrangle.
2. Breitenbush Hot Springs 15-minute quadrangle (coauthored with Richard Conrey).
3. West half of the Crescent 1° by 2° sheet (coauthored with Norman MacLeod).
4. West half of the Klamath Falls 1° by 2° sheet (coauthored with Norman MacLeod).

George W. Walker and coauthor Norman S. MacLeod have completed their several-year compilation geologic map of the state of Oregon (scale 1:500,000). Work is also underway on a map of the Salem 1° by 2° sheet.

These USGS maps are not yet available, although the mapping in the southern Cascade Range of Oregon is shown in Sherrod's dissertation (Sherrod, 1986). This thesis is a major contribution to the geology of the southern half of the High Cascades and adjacent parts of the Western Cascades. It contains a particularly informative discussion of uplift in the Western Cascades.

Terry E.C. Keith and Keith Bargar continued to pursue hydrothermal alteration studies of holes drilled under the USDOE cost-share program. This work is not complete as yet.

Andre M. Sarna-Wojcicki published a summary of tephra correlation studies that are relevant to the geothermal potential of the Cascades in the Three Sisters-Bend area (Sarna-Wojcicki and others, 1987). The geothermal implications of these data are discussed below.

ACTIVITIES OF OWRD

The Ground Water Division of the Oregon Water Resources Department (OWRD) has a Low-Temperature Geothermal Program consisting of two major parts. The first part is a state-wide network of thermal wells and springs where water levels, flow rates, temperatures, and some chemical parameters are measured with a frequency ranging from quarterly to biennially, depending on location. The main purposes for this activity are to monitor the condition of developed resources and to collect baseline data in undeveloped areas. Data collection is focused primarily in areas that have undergone development or that exhibit significant development potential. The observation network includes Klamath Falls, Vale, Lakeview, Olene Gap, the Western Cascade hot springs, the Harney Basin, and the Grande Ronde Valley. An additional area of activity is downtown Portland, where nonthermal water is heavily utilized for the purpose of heating and cooling office buildings.

The second major part of the program is aquifer characterization. This consists of intensive study of individual areas to determine the extent, thickness, hydraulic characteristics, and recharge and discharge rates of the known geothermal aquifers. These studies take at least two years to conduct and typically involve evaluation of geologic, geochemical, geophysical, and hydrologic aspects of the ground-water system. The ultimate purpose of such investigations is to determine as closely as possible the maximum sustainable production capacity of the system and to recommend some management scheme.

OWRD is currently studying the known geothermal area at Vale. To date, the Vale project has included quarterly monitoring of water levels, temperature/depth logging of all wells in the hot-well area (to determine total heat flux and discriminate individual aquifers) with regular, periodic relogging of key wells, geologic reconnaissance, and field checking of published geologic mapping. In addition, OWRD has conducted preliminary sampling and analysis of chloride in the Malheur River area to evaluate the feasibility of calculating the total geothermal discharge in the area through chloride flux measurements.

Future OWRD work includes stream-temperature studies, well-location surveys and leveling, analysis of drill cuttings from wells (if available), and pumping tests.

The area at Vale known to be underlain by hot aquifers at shallow depths is quite small, probably less than 40 acres. However, this flux of 107 °C water represents a significant amount of energy and is important to the local economy. There has been fairly rapid development of this resource in the last five years, including the construction of the previously mentioned mushroom growing plant, and additional development is planned.

The two other major low-temperature geothermal areas in

Oregon are Klamath Falls and Lakeview. The Klamath Falls geothermal system is the largest known and most highly developed low-temperature geothermal resource area in the state and is utilized for domestic, commercial, and institutional space and water heating, as well as for industrial applications. OWRD data indicate that water levels in the Klamath Falls geothermal reservoir have exhibited a modest decline of about 0.3 m per year for the last decade. Investigations by the City of Klamath Falls suggest that this loss in pressure is attributed to the withdrawal of geothermal water without reinjection, with peak withdrawals estimated at about 3,000 gallons per minute. In 1985, to mitigate this decline, the City of Klamath Falls adopted a Geothermal Management Act that requires reinjection of all geothermal effluent by 1990 (with special exceptions). A fairly major aquifer characterization project and extensive aquifer test were completed in 1984 by the USGS and Lawrence Berkeley Laboratories. OWRD has no active research ongoing in the area, and the agency's activities there are limited to semiannual water-level measurements in about 20 wells, tracking of development, evaluation of individual injection proposals (in cooperation with the Department of Environmental Quality), and participation on the local Geothermal Advisory Committee.

ACTIVITIES OF ODOE

In 1986, geothermal activities of the Oregon Department of Energy (ODOE) focused on research and support for other agencies. ODOE performed economic research into new geothermal power plants. This work was done cooperatively with the Washington State Energy Office for the Bonneville Power Administration (BPA). For another section of BPA, ODOE also provided information on specific steps to take toward geothermal resource confirmation. Direct-use research into district heating was expanded to include all energy sources. That work resulted in a published paper (Sifford, 1986) and another to be published by ODOE in 1987.

ODOE continues to respond to inquiries on geothermal energy development from the public. Over 100 such responses were provided in 1986. ODOE also certifies geothermal tax credits. Eighty residential and seven business tax credits were certified in 1986. ODOE continues to provide leadership in the Pacific Northwest Section of the Geothermal Resources Council (GRC). Finally, ODOE reviewed and commented on the geothermal energy aspects of several National Forest Draft Management Plans.

ACTIONS OF REGULATORY AGENCIES CONCERNING GEOTHERMAL EXPLORATION

California Energy Company stopped drilling on its MZI-11A hole on the southeast flank of Mount Mazama, because it could not meet the requirements stipulated in the Environmental Assessment (EA) for the Mount Mazama area that have been interpreted to prohibit drilling without circulation. California Energy Company contends that it is not technically feasible to maintain circulation in the hole, given the frequency of lost circulation zones in typical hydrothermal systems. The company requested two changes in stipulations to the EA: (1) that they be allowed to drill without circulation, and (2) that the maximum allowed depth of drilling be extended from 1.2 km to 1.7 km. All potential environmental effects of these proposed amendments to the EA are now being evaluated by USBLM. Edward Sammel (USGS, retired) and Sally Benson (Lawrence Berkeley Laboratory) are collaborating on a study of the ground-water flow system in the vicinity of Crater Lake and the potential effects of introducing drilling mud into this flow system. Sammel is a contractor to USBLM, whereas Benson's work is funded primarily through USDOE. Dennis Simontacchi of USBLM estimates that the environmental review will be complete by the end of April 1987. Proposed amendments will then be available for public comment for 30 days. It is conceivable that an amended EA could be finalized by early June 1987. There would then be a 30-day period for appeals.

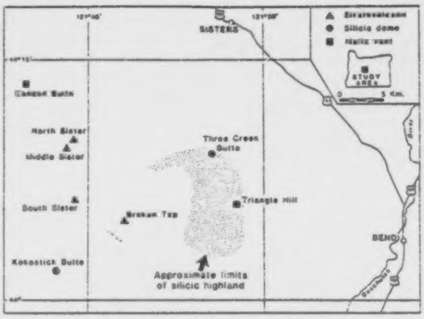


Figure 5. Index map showing the locations of the silicic highland west of Bend relative to various volcanic centers (taken from an unpublished 1987 figure by Brittain Hill, Oregon State University).

The USBLM, in response to an October 15, 1986, Act of Congress, suspended geothermal leasing on federal lands (see Section 115 (2)(a) of the October 15, 1986, *Congressional Record*). The act gave the Secretary of the Interior 120 days to publish a proposed list of "significant thermal features" in the National Park System. After publication of the proposed list, the Secretary was given 60 days to evaluate public comment and send the final list to the Committee on Energy and Natural Resources of the Senate and Committee on Interior and Insular Affairs of the House of Representatives. The proposed list was published on February 13, 1987; the final list is to be sent to Congress in the near future.

The proposed list contained references to the heat-flow anomalies found by the USGS on the floor of Crater Lake (Williams and Von Herzen, 1983). The Department of the Interior is now deciding whether these heat-flow anomalies qualify as "significant thermal features" under the guidelines of the Congressional act.

SILICIC HIGHLAND WEST OF BEND—NEW DATA ON THE GEOTHERMAL POTENTIAL

New isotopic age data on an ash-flow/air-fall eruptive sequence near Bend suggest that local pyroclastic rocks are much younger than previously supposed. Four new K-Ar analyses from the Tumalo tuff, a rhyodacite ash-flow tuff that crops out west of Bend, yielded an average weighted age of 0.29 ± 0.12 million years (Ma) (A.M. Sarna-Wojcicki and J.K. Nakata, unpublished data cited by Sarna-Wojcicki and others, 1987). Previous ages on this ash-flow and the cogenetic, compositionally identical Bend pumice ranged from 0.83 ± 1.5 Ma (recalculated from Armstrong and others, 1975, by Fiebelkorn and others, 1983) to 3.98 ± 1.9 m.y. (Fiebelkorn and others, 1983). The large analytical errors were the result of large amounts of atmospheric argon contamination in the samples. Reversely magnetized lava flows were thought to overlie the Tumalo tuff, leading previous workers to conclude that the Bend pumice and Tumalo tuff were older than about 0.9 Ma (Armstrong and others, 1975). However, Sarna-Wojcicki and others (1987) could not reproduce the reversed magnetization measurements.

The variation in grain size and distribution of the Tumalo tuff and Bend pumice suggest that they were probably erupted from a 24-km-wide highland of silicic lavas (Taylor, 1978) immediately west of Bend and east of the Three Sisters (Figure 5) (Hill, 1985). Three Creek Butte, one of the silicic domes on the eastern margin of this highland (Figure 5), has rhyodacite lava (74 percent SiO_2) so similar in composition to these two tuff units that it is probably from the same magma chamber (Hughes, 1983; Brittain Hill, in preparation).

Mimura and MacLeod (1978) and Mimura (1984) studied imbrication in the Tumalo Tuff and concluded that the ash flow had a source southwest of the Bend area and about 32 km south of the silicic highland. Hill (1985) pointed out that the data from this study are also consistent with a source on the silicic highland, provided the ash flow traveled in drainage systems similar to the present ones. The current drainage system would cause ash flows to flow northeast, giving an apparent southwesterly source, even for ash flows erupting from the east (Hill, 1985).

Silicic magmas generally reside at relatively shallow levels in the crust and are associated with much of the world's best geothermal resources (Smith and Shaw, 1973, 1975). Smith and Shaw (1973, 1975) suggest that not more than about 10 percent of a silicic magma chamber is erupted during one pyroclastic eruption. The size of the Bend pumice-Tumalo tuff eruption is thought to be greater than 10 km³ (Hill, in preparation), so a silicic magma chamber greater than 90 km³ probably existed under the silicic highland about 300,000 years ago. Significant magma chambers and geothermal systems appear to be present in silicic volcanic centers with similar or greater age. Examples are Yellowstone Park, Long Valley caldera, and Valles caldera. Therefore it is likely that similar chambers and geothermal systems still exist under the silicic highland.

ENCOURAGING TEMPERATURES AT MOUNT MAZAMA—NEW TEMPERATURE-DEPTH DATA FROM THE USDOE-INDUSTRY DRILLING PROGRAM

USDOE has sponsored geothermal assessment projects in and adjacent to the Cascade Range for the last 10 years. Efforts by the agency to provide reliable temperature-depth and heat-flow data in the High Cascades were generally defeated by the previously mentioned "rain curtain" effect. In 1985, the USDOE Division of Geothermal and Hydropower Technologies initiated the Cascade Deep Thermal Gradient Drilling Program aimed at penetrating the "rain curtain" by cost-sharing drill holes with industry. Temperature-depth curves for four of these drill holes are shown in Figure 6.

683°F

The MZI-IIA hole, drilled by California Energy on the southeast flank of Mount Mazama, has an anomalously high temperature of 107.1 °C at a depth of only 405 m (Joseph La Fleur, written communication, 1987). The lowest 20 m of the hole had a gradient of about 372 °C/km, well above regional background gradients (Figure 6). Such high temperatures and gradients are evidence that the heat flow at this site has been raised above background by magmatic intrusion and/or upward convection of thermal fluids. This is very encouraging for the geothermal resource potential of the Mount Mazama area.

Three of the holes in Figure 6 have temperature gradients of 74-83 °C/km in the lower, relatively linear part of the curves. These values are typical of areas with normal background heat flow in the regional heat flow high associated with the High Cascades (e.g., see Black and others, 1983; Blackwell and others, 1978). Two of these holes have temperature-depth curves with isothermal zones bounded by gradients that are nearly horizontal (Figure 6). Curves with this shape are generally produced by movement of fluid that disturbs the normal conductive temperature gradient. Fluids in aquifers encountered by the borehole can move laterally across the hole or vertically within the hole. In the latter case, two scenarios are possible: (1) cool aquifers can sink into warmer fluid in the hole, lowering temperatures to the value of the cool aquifer, or (2) fluid from warm aquifers can rise, raising temperatures to the value of the warm aquifer. In each case the part of the hole disturbed by intra-borehole circulation will be nearly perfectly isothermal. The temperature-depth curve at intermediate depths in Geo Operator N-1 looks like case 1, whereas the curve at similar depths in Geo Operator N-3 looks like case 2. If the aquifers in each hole were cased off, the temperature gradients in both would probably be relatively linear below depths of about 400-500 m. Above those depths, the so-called "rain curtain" effect disturbs the heat flow, producing erratic, low temperatures in both Geo Operator N-1 and Geo Operator N-3 (Figure 6). In a hole such as Thermal Power CTGHI, where no significant aquifers were encountered at depth (Joseph Iovenitti, personal communication, 1986), a relatively linear gradient occurs below the shallow (300-m depth) flows of cold ground water. These observations suggest that the "rain curtain" at all of these drill sites extends only to depths of about 300-500 m. Valid temperature gradients could therefore have been found by drilling to only about 650 m. Whether these conclusions can be widely applied to other parts of the Cascades cannot be determined until the geologic and hydrologic context of each hole is studied in more detail.

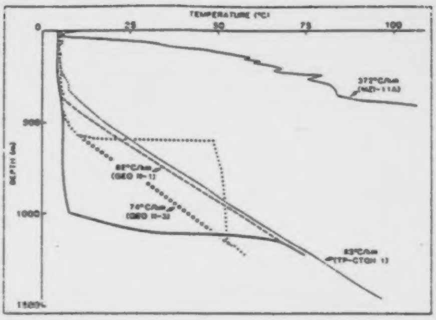


Figure 6. Temperature-depth curves of holes from the USDOE Cascade Deep Thermal Gradient Drilling Program. Dashed lines show the temperature-depth curves as they would be were they not affected by inferred intra-borehole fluid circulation. Inferred temperature gradients are shown in degrees Centigrade per kilometer. Temperature data in hole MZI-IIA were taken only 20 hours after circulation of drilling fluids, so hole temperatures had probably not completely stabilized. Temperatures for MZI-IIA were measured by Al Waibel of Columbia Geoscience; other measurements are by David D. Blackwell of Southern Methodist University. See Table 1 and Figure 2 for drill-hole locations.

ACKNOWLEDGMENTS

This paper could not have been written without the cooperation of numerous individuals in government and industry. The writers are indebted to Brittain Hill of OSU for sharing his unpublished research on the Quaternary volcanic stratigraphy in the Bend area. David Sherrod of the USGS provided a detailed summary of his many mapping projects. Dennis Simontacchi and Jack Feuer of USBLM shared their information on regulatory issues. Jacki Clark of USBLM provided the federal leasing data. Dennis Olmstead and Dan Wermiel of DOGAMI provided the data on drilling permits. Local residents and city officials at Vale, Lakeview, and Klamath Falls provided current information concerning direct-use projects.

The USDOE Cascade Deep Thermal Gradient Drilling Program is responsible for putting invaluable data in the public domain. The temperature and the lithologic information from the program have greatly increased our understanding of both the geology and geothermal resource potential of Newberry volcano and the High Cascades. Michael Wright of the University of Utah Research Institute helped coordinate the release of the temperatures and other data from the program. Joseph La Fleur of California Energy Company sent copies of his temperature data on hole MZI-IIA for public release.

REFERENCES CITED

Armstrong, R.L., Taylor, E.M., Hales, P.O., and Parker, D.J., 1975, K-Ar dates for volcanic rocks, central Cascade Range of Oregon: Isochron/West, no. 13, p. 5-10.

Black, G.L., Blackwell, D.D., and Steele, J.L., 1983, Heat flow in the Oregon Cascades, *in* Priest, G.R., and Vogt, B.F., eds., Geology and geothermal resources of the central Oregon Cascade Range: Oregon Department of Geology and Mineral Industries Special Paper 15, p. 69-76.

Black, G.L., Woller, N.M., and Ferns, M.L., 1987, Geologic map of the Crescent Mountain area, Linn County, Oregon: Oregon Department of Geology and Mineral Industries Geological Map Series GMS-47, in preparation.

Blackwell, D.D., Hull, D.A., Bowen, R.G., and Steele, J.L., 1978, Heat flow of Oregon: Oregon Department of Geology and Mineral Industries Special Paper 4, 42 p.

Brown, D.E., McLean, G.D., Priest, G.R., Woller, N.M., and Black, G.L., 1980, Preliminary geology and geothermal resource potential of the Belknap-Foley area, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report O-80-2, 58 p.

Couch, R.W., and Foote, R.W., 1983, Graben structures of the Cascade Range in Oregon [abs.]: EOS (American Geophysical Union Transactions), v. 69, no. 45, p. 887.

Dicken, S.N., 1950, Oregon geography: Eugene, Oreg., University of Oregon Cooperative Bookstore, 104 p.

Fiebelkorn, R.B., Walker, G.W., MacLeod, N.S., McKee, E.H., and Smith, J.G., 1983, Index to K-Ar age determinations for the State of Oregon: Isochron/West, no. 37, p. 3-60.

Hill, B.D., 1985, Petrology of the Bend pumice and Tumalo tuff, a Pleistocene Cascade eruption involving magma mixing: Corvallis, Oreg., Oregon State University master's thesis, 101 p.

Hill, B.D., in preparation, Origin of the Bend pumice and Tumalo tuff: Implication for silicic magmatism in the Oregon central High Cascades.

Hughes, S.S., 1983, Petrochemical evolution of High Cascade volcanic rocks in the Three Sisters region: Corvallis, Oreg., Oregon State University doctoral dissertation, 199 p.

Mimura, K., 1984, Imbrication, flow direction and possible source areas of the pumice-flow tuffs near Bend, Oregon, U.S.A.: Journal of Volcanology and Geothermal Research, v. 21, p. 45-60.

Mimura, K., and MacLeod, N.S., 1978, Source directions of pumice and ash deposits near Bend, Oregon: Geological Society of America Abstracts with Programs, v. 10, no. 3, p. 137.

Priest, G.R., Bargar, K.E., Black, G.E., Blackwell, D.D., Couch, R.W., Collier, R., Duncan, R.A., Dymond, J., Evans, J., Goldstein, N., Haimson, B.C., Hughes, S., Iyer, M., Keith, T.E.C., Korosec, M.A., Laul, J.C., Levi, S., Mariner, R.H., Mooney, W.D., Rowley, J., Sherrod, D.R., Smith, M., Waibel, A., Weaver, C.S., Woller, N.M., and Wright, P.M., 1987a, Investigation of the thermal regime and geologic history of the Cascade volcanic arc: First phase of a program for scientific drilling in the Cascade Range: Oregon Department of Geology and Mineral Industries Open-File Report O-86-3, in press.

Priest, G.R., Woller, N.M., Black, G.L., and Evans, S.H., 1982, Overview of the geology and geothermal resources of the central Oregon Cascades, in Priest, G.R., and Vogt, B.F., eds., Geology and geothermal resources of the Cascades, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report O-82-7, 206 p.

———1983, Overview of the geology of the central Oregon Cascade Range, *in* Priest, G.R., and Vogt, B.F., eds., Geology and geothermal resources of the central Oregon Cascade Range: Oregon Department of Geology and Mineral Industries, Special Paper 15, p. 3-28.

Priest, G.R., Woller, N.M., and Ferns, M.L., 1987b, Geologic map of the Breitenbush River area, Linn and Marion Counties, Oregon: Oregon Department of Geology and Mineral Industries Geological Map Series GMS-46, in press.

Sarna-Wojcicki, A.M., Morrison, S.D., Meyer, C.E., and Hillhouse, J.W., 1987, Correlation of upper Cenozoic tephra layers between sediments of the western United States and eastern Pacific Ocean and comparison with biostratigraphic and magnetostratigraphic age data: Geological Society of America Bulletin, v. 98, p. 207-223.

Sifford, A., 1986, District heating in Oregon: Solar Energy Association of Oregon, SEAOGRAM, v. 5, no. 3, p. 6-9, 14.

Sherrod, D.R., 1986, Geology, petrology, and volcanic history of a portion of the Cascade Range between latitudes 43°-44° N, central Oregon, U.S.A.: Santa Barbara, California, University of California at Santa Barbara doctoral dissertation, 320 p.

Smith, R.L., and Shaw, H.R., 1973, Volcanic rocks as geologic guides to geothermal exploration and evaluation [abs.]: EOS (American Geophysical Union Transactions), v. 54, no. 11, p. 1213.

Smith, R.L., and Shaw, H.R., 1975, Igneous-related geothermal systems, *in* White, D.D., and Williams, D.L., eds., Assessment of geothermal resources of the United States — 1975: U.S. Geological Survey Circular 726, p. 58-83.

Taylor, E.M., 1978, Field geology of S.W. Broken Top quadrangle, Oregon: Oregon Department of Geology and Mineral Industries, Special Paper 2, 50 p.

Taylor, E.M., 1980, Volcanic and volcaniclastic rocks on the east flank of the central Cascade Range to the Deschutes River, Oregon, *in* Oles, K.F., Johnson, J.G., Niem, A.R., and Niem, W.A., eds., Geologic field trips in western Oregon and southwestern Washington: Oregon Department of Geology and Mineral Industries Bulletin 101, p. 1-7.

Rygh, J.T., Livelybrooks, D.W., Urquhart, S.A., Waff, H.S., and Clingman, W.W., 1986, A magnetotelluric study of the High Cascade graben, Oregon [abs.]: EOS (American Geophysical Union Transactions), v. 67, no. 44, p. 918.

Urquhart, S.A., Waff, H.S., Rygh, J.T., Clingman, W.W., and Livelybrooks, D.W., 1986, A magnetotelluric investigation of the Newberry volcano, Oregon [abs.]: EOS (American Geophysical Union Transactions), v. 67, no. 44, p. 918.

Williams, D.L., and Von Herzen, R.P., 1983, On the terrestrial heat flow and physical limnology of Crater Lake, Oregon: Journal of Geophysical Research, v. 88, n. B2, p. 1094-1104. □

Bob Bates re-opens Pandora's Bauxite

Bob Bates, Professor Emeritus of Geology at Ohio State University and author of "The Geologic Column" in *Geotimes*, is the author of *Pandora's Bauxite — The Best of Bates: Selections from the Geologic Column, 1966-1985*, recently published by the American Geological Institute (AGI). Bates has had much to say over the years about the "use and abuse of the language" — particularly when it comes to geology, and this book contains some of his choicest columns. As Bates says:

"My purpose ... has been to choose material that will be of interest and amusement to nongeologists as well as to specialists in the various fields of earth science. The items range in length from a line or two to a page or two; people with a short attention span should feel at home. Those who consider the geological sciences sacred and immune to humor will be happier reading the IUGS classification of igneous rocks or the Stratigraphic Code."

However, if you are interested in such subjects as "The Pterasaur of Ptexas"; "Melanopyxilation" (the study of black boxes); "Wor-dbreaks: bluep-rint for mans-laughter"; "Fiscal obfuscation"; "The unauthorized glossary of geology"; "Abandon *hopefully*, all ye who enter here"; "At the Lulu mine" (a lulu is a three-word expression with an adjective, two nouns, and no hyphens, producing such results as "unexploded bomb expert," "buried pipeline designer," "edible oil refinery," or "waterlogged wood experts"); "Obtaining the unobtanium;" or "The boola-boola concept," you find that this book is a joy to read.

Bates tells about the California dam protected by "heavy riffraff" and the Hari Krishna temple in West Virginia with water faucets made of "an opalescent pink marble called rose quartz." He reveals little-known facts such as the 1881 oil test in Franklin, Pennsylvania, that inadvertently drilled into the underground storage tanks of a brewery, making it the nation's first beer well. When a mine near one of the Great Lakes sprang a leak and water with large numbers of fish entered the mine, Bates explains that the mine workings intersected a "perched water table."

Bates loves puns. For example, a "sinter" is a position played by the tallest person on a southern basketball team, "forsterite" is said of a graduate student grinding out his thesis, or a "harpolith" is a rock with ripple marx. He coins new mineral names such as

(Continued on page 74, Pandora's Bauxite)

The Hannaford Company, Inc.
Public Relations & Public Affairs

CORRECTED COPY

News Release

Date: July 20, 1987
For: CALIFORNIA ENERGY COMPANY, INC.
Contact: Don Finn 212/888-9000 or
Paul Laric 212/490-7910

CALIFORNIA ENERGY COMPANY OBTAINS $66 MILLION CREDIT SUISSE LOAN AS PART OF $160 MILLION PRIVATE FINANCING

FPL Energy Services Joins Partnership as California Energy's First Geothermal Electric Power Unit Goes On Line

SANTA ROSA, CA -- Charles T. Condy, chairman and chief executive officer of California Energy Company, Inc. (NASDAQ/NMS symbol CECI), an independent wholesaler of electric power generated from its own geothermal resources, announced today the completion of a $66 million financing from Credit Suisse for the first 30 megawatt turbine-generator unit at the company's Coso Projects at China Lake, California, which began electric power delivery to Southern California Edison company last week.

The financing for the first plant is a 10-year term loan made by Credit Suisse through its New York branch. It represents takedown of the first portion of the previously announced $160 million financing to be provided by Drexel Burnham Lambert, Inc. and Credit Suisse.

The borrower of the initial $66 million will be Coso Finance Partners (CFP), a general partnership in which California Energy's ownership share is approximately 46 percent. The balance is owned by limited partner investors of Caithness Corporation, a New York-based energy company, and by ESI Geothermal Inc. a subsidiary of FPL Energy Services Inc., an FPL Group Company, which has also provided approximately $5 million of debt and equity financing to CFP.

The remaining $94 million of the total committed financing is expected to be borrowed by another newly-formed joint venture, Coso Finance Partners II, and will be used for the financing of two additional 30 megawatt generating units at China Lake.

California Energy Company and its joint venturers have entered into long-term power sales contracts to supply up to 240 megawatts of electricity to Southern California Edison. Sales from the first turbine-generator unit which began last week call for approximately $.084 per kilowatt-hour, with the energy portion of $.064/kwh increasing at approximately 7 percent per year for a 10-year period. Sales from the two additional 30 megawatt generating units to be financed shortly will also adhere to these conditions, Mr. Condy said. Plans for California Energy's Coso Projects call for a total of nine such units by late 1989, with combined generating capacity of about 240 megawatts, or enough to power 240,000 households in southern California.

Mr. Condy indicated that resource development will continue at China Lake as well as exploration in northern California and the Pacific Northwest on geothermal prospects totaling about 300,000 acres.

At the company's annual meeting on July 9, Mr. Condy told shareholders that prospects for electricity generation from geothermal resources appear "particularly bright." He

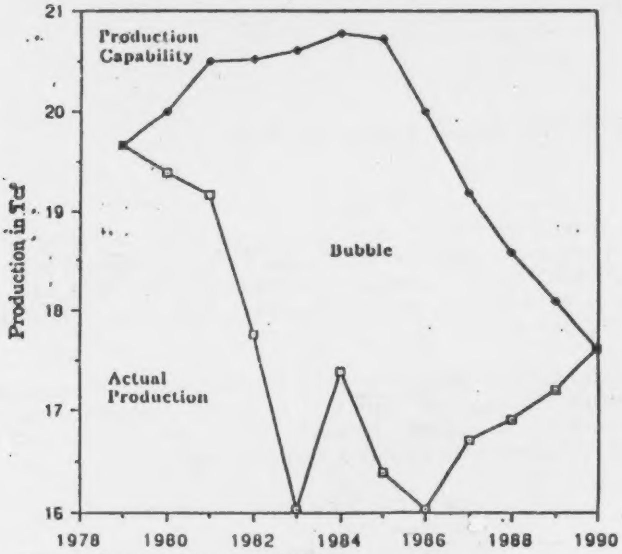
MORE--MORE--MORE

added that, "This assessment is based on expert predictions of serious power shortages by the 1990's and the reluctance of utilities to commit funds to coal or nuclear plant construction, since these ventures are beset by environmental and public relations problems."

# # #

Statistics

Production and Production Capability: 1979-1990



Source: American Gas Association

THE GAS IS RUNNING OUT!

Bubbles Burst, They
Don't Just Leak

212-[illegible]-9000

GEOTHERMAL ENERGY INSTITUTE

DONALD F. X. FINN
MANAGING DIRECTOR

770 LEXINGTON AVENUE
11TH FLOOR
NY, NY 10021

Contact: Donald Finn
212-888-9000

July 24, 1987

NEWS From The Geothermal Energy Institute:

- For a copy of "The Competitive Power Industry" (July 13, 1987) or a research report on California Energy Company, Inc. (NASDAQ/NMS:CECI) by securities analyst Hank Herman, CFA of Laidlaw Adams & Peck, Inc., call Hank at 214-692-5386 or LAP/Research at 212-949-5300.

- A Geothermal Resource Map of North America (Decade of North America Geology Map Series) 1:5,000,000 produced under the direction of Dr. David Blackwell (SMU) and Dr. Marshall Reed (U.S. DOE) will be available (January 1988) from:

  Geological Society of America
  P.O. Box 9140
  Boulder, CO 80301

  303-447-2020 (Pete Palmer)

  (4 sheets, about $25).

- Leonard S. Hyman of Merrill Lynch Capital Markets has authored the Second Edition of "America's Electric Utilities: Past, Present and Future", 306 p., 33 chapters, available at $28.75 postpaid from:

  Public Utilities Reports, Inc.
  1700 North Moore Street (Suite 2100)
  Arlington, VA 22209

  800-358-5001

- For information on Scott A. Spiewak's August 31-September 1 "Deregulated Power Generation Course" contact:

  Continuing Engineering Education Dept.
  George Washington University
  801 22nd Street, N.W. - 3d Floor
  Washington, D.C. 20052

  202-994-6100 (Mr. Hopkins)

Contact: Donald Finn
(212) 888-9000

July 23, 1987

GO HARNESS A VOLCANO!

NEWS From The Geothermal Energy Institute:

A preliminary count of worldwide geothermal power plants presently in operation concludes that during 1Q 87 there were 192 geothermal plants with an installed electrical generating capacity of 4,838 megawatts (MWe) located in 17 different countries.

By 1991 an additional 70 geothermal power plants are scheduled for a total of 7,304 MWe. Depending on exploration results and the availability of financing, an additional 500 - 1,500 MWe may be scheduled for operation during the next five years (7,804 - 8,804 MWe).

EPRI (P. Kruger, June 1987) reports that North American (USA-Mexico-Canada) geothermal capacity alone could reach 3,400 - 8,600 MWe by 1995 and 4,200 - 18,700 MWe by the year 2000 and notes the 300MWe Mexican tie-in from Baja California to WSCC.

The world's largest geothermal power plant operation is at The Geysers field in northern California which began commercial generation of electricity in 1960. Today there are 26 geothermal power plants with a combined capacity of about 1,900 MWe. The principal geothermal steam developer and supplier is UNOCAL (NYSE) which furnishes steam to PG&E owned and operated power plants; in 1986 4.8 million megawatt-hours (Mwh) were produced. UNOCAL also supplies geothermal steam for 600 MWe in the Phillippines; its present USA/Phillippines daily production is averaging 23.8 million kilowatt-hours (Kwhs).

UNOCAL has recently (May 1987) purchased its first geothermal power plant from Southern California Edison Company - a 10 MWe unit located at The Salton Sea in The Imperial Valley of Southern California - and will expand it to 30 MWe by 1989. UNOCAL expects to begin operation of its second geothermal power plant (47.5 MWe) in early 1989 at The Salton Sea.

Geothermal generation of electricity began in The Imperial Valley of Southern California in 1959. As of 1Q87 there were 6 geothermal power plants in operation (170 MWe) and an additional 8 plants (275 MWe) were in planning or construction phases.

The 193rd geothermal plant to go into operation (July 1987) is a 30 MWe unit located at China Lake, California, where Southern Edison Company has contracted to buy wholesale kwhs generated by CALIFORNIA ENERGY COMPANY, INC. (NASDAQ: CECI) and partners (who now include FPL Group, Inc. - NYSE: FPL). A total of 240 MWe are currently planned for installation during 1987-9, but recent exploration results indicate that the field should support additional expansion. A June 1987 professional paper "Structural Interpretation of the Coso Geothermal Field" (AAPG) reports that the Coso geothermal field at China Lake is one of at least 14 geothermal prospects in the area and "is not a single isolated phenomena." The Oregon Department of Geology also reports (Oregon Geology, June 1987) that CECI encountered temperatures of 107°C (222°F) at 385-m depth on the Southeast flank of Mount Mazama and about 372°C/Km at about 385-405m; CECI controls 100,000 acres in the area.

Yankee Power, Inc. (VSE:YKEV) and Caithness Corporation of New York are proceeding with installation of an initial 12.5 - 25 MWe geothermal power plant at Steamboat Springs, Nevada. The development of the underlying geothermal resources is operated by CHEVRON (NYSE). The potential of the field may be 500+ MWe. Yankee is also installing an initial 3.1 MWe geothermal binary power plant in Shasta County, California, kwh output to be sold to PG&E. Yankee is also planning 10 MWe at Wabuska Hot Springs, Nevada, with kwh output to be sold to Sierra Pacific Power Company. Yankee's property is just east of TAD's 1.2 MWe power plant.

CHEVRON has also obtained FERC certification for a 2.4 MW geothermal unit to be located at Soda Lake, Nevada. It will use three skid mounted ORMAT (binary) Energy Converters. CHEVRON's Beowave, Nevada power plant is reported to be producing 14 MWe; its Desert Peak, Nevada plant is reported to be producing 12 MWe.

Munson Geothermal Inc. (NASDAQ: MGEO) expects to go online by September with 13 MWe at Brady's Hot Springs, Nevada, output will be sold to Sierra Pacific Power Company, if reported legal difficulties can be surmounted or resolved.

Oxbow Geothermal is constructing a 55 MWe geothermal power plant at Dixie Valley, Churchill County, Nevada with an additional 55 MWe in the planning stage.

Magma Power Company (NASDAQ: MGMA), controlled by Dow Chemical Company (38.4%), operates a 12.5 MW binary power plant at East Mesa, Ca and a 34.5 2-Flash unit at The Salton Sea (50% owned by Burlington Northern). Output is sold to SoCal Edison under long-term contracts. Magma is a joint venturer with Pacific Lighting Corporation which operates 2 x 5 MW units at Mammoth, Ca and has plans for two new power plants. Magma is also a joint venturer with Geothermal Resources International (GEO) in a proposed 75 MW project at East Mesa; with a SoCal Edison subsidiary, Misson Energy Company, for a proposed 3 x 34 MW project at The Salton Sea; and with GEO, Mitsui & Co., and Nippon Steel Corporation in an exploration joint venture on the Japanese Island of Hokkaido.

Geothermal Resources International (AMEX/PCSE: GEO) supplies steam for a PG&E power plant (Unit 15) at The Geysers currently operating at about 30 MW with capability of 55 MW for which additional geothermal steam supplies are being developed. GEO will also supply steam for The Central California Power Agency 130 MW unit being constructed at The Geysers and to a 20 MW unit to be constructed by SAI Geothermal, Inc.

Freeport McMoran Resources, L. P. (NYSE: FRP) has two 11 MW Mitsubishi units scheduled at The Geysers. FRP also supplies steam to SMUD's 73 MW Fuji unit at The Geysers, one of the most efficient geothermal power plants in the world.

SoCal Edison reports (3/31/87) that it has 27 executed geothermal power purchase contracts with a nameplate capacity of 822 MW; with six projects presently on line with a capacity of 131 MW.

The Sonoma County Tax Assessor reports that the ad valorem tax value of geothermal power plants and steam reserves at The Geysers has fallen (steam values are pegged to oil and gas prices and nuclear fuel prices):

1987-8	$1,000,800,000
1986-7	$1,355,000,000
1985-6	$1,837,000,000
1984-5	$2,229,000,000

Steam reserve values have fallen in line with recent oil and gas price declines, but should probably improve as those prices rise again. The start-up of PG&E's Diablo Canyon nuclear plant cranked nuclear fuel into the steam pricing formula adding to the decline in steam reserve values. Sonoma County ad valorem taxes run about 1.2% a year or about $12,000,000/yr.

Contact: Donald Finn
(212) 888-9000

July 15, 1987

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GLEN COUNTY BOARD OF SUPERVISORS
PO BOX 391
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U S SENATE ATTN BETH NORCROSS
HART SENATE OFFICE BLDG
WASHINGTON DC 20510

THE NORTHERN CALIFORNIA COUNTY SUPERVISORS ASSOCIATION (NCCSA) OPPOSES S-7, A BILL TO PROVIDE FOR PROTECTION OF THE PUBLIC LANDS IN THE CALIFORNIA DESERT.

THE BUREAU OF LAND MANAGEMENT HAS INVESTED SEVERAL YEARS IN STUDY AND PUBLIC INPUT REGARDING THE SOUTHERN CALIFORNIA DESERT, AND THE PUBLIC HAS CONTRIBUTED COUNTLESS HOURS OF TESTIMONY AND OPINION, AND IT HAS BEEN DETERMINED THAT A PLAN STRESSING MULTIPLE USE IS IN THE BEST INTEREST OF ALL PUBLIC ENTITIES INVOLVED. SENATOR CRANSTON'S PROPOSED LEGISLATION (S-7) COMPLETELY BYPASSES THE PUBLIC INPUT PROCESS AND OPPOSES DIRECTION GIVEN TO THE BUREAU OF LAND MANAGEMENT BY CONGRESS, AND WOULD SEVERELY IMPACT LOCAL COUNTY GOVERNMENT, THEREFORE, THE NCCSA STRONGLY OPPOSES S-7 OR ANY SIMILAR LEGISLATION THAT WOULD IMPACT LOCAL COUNTIES AND BYPASS THE PUBLIC INPUT PROCESS, IT WOULD BE APPRECIATED IF THIS OPPOSITION WOULD BE MADE PART OF THE RECORD OF THE HEARINGS ON S-7 TO BE HELD JULY 22 AND 23 BY THE ENERGY AND NATURAL RESOURCES PUBLIC LANDS NATIONAL PARKS AND FORESTS SUBCOMMITTEE.

VERY TRULY YOURS,
GEORGE "FRED" PRIDE, PRESIDENT
NCCSA

10:32 EST

MGMCOMP

5241 (R 7/82)

TO REPLY BY MAILGRAM MESSAGE, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL - FREE PHONE NUMBERS

July 13, 1987

Beth Norcross
Subcommittee on Public Lands
US Senate
Washington, D.C. 20510

Dear Ms Norcross:

I will appreciate the following comments made a part of the record of the hearings on S-7 scheduled for July 21 and 22.

I strongly oppose S-7 to "provide protection of public lands in the California desert".

They are currently well protected and managed under BLM's 1980 Multiple-Use California Desert Plan as directed by the 1976 Federal Land Policy and Management Act. This plan underwent thorough public and legal review in the development process. It is an excellent example of a plan that blends the needs and desires of all interest groups.

To enact S-7 is to ignore the concerns and needs of many in favor of a selfish few.

Put another way, nothing's broke so what is this bill trying to fix? I'm still of the opinion that public lands belong to the American public and not just a selected few. Current management of the Monuments and BLM lands ~~currently~~ best serve the publics' interests.

Sincerely,

John W Chaffin

John W Chaffin
433 Yosemite Ct
Petaluma, CA 94952

219 Richardson Dr.
Mill Valley, CA 94941
July 16, 1987

Chairman
Subcommittee on Public Lands
United States Senate
Washington, D.C. 20510
Attn: Beth Norcross

Dear Ms. Norcross:

I will appreciate the following comments being made a part of the record of the hearings on S-7 scheduled for July 21 and 22.

I believe S-7 provides entirely too much emphasis on wilderness preservation. The current management of the California Desert Conservation Area provides almost 1/5 of the 25-million acre area for park and wilderness preservation. The proposed bill would increase that type of use to more than 2/5s.

The current plan under which the California Desert Conservation Area is managed underwent intensive public review and seems to me to represent an equitable apportionment of public lands to use by various interested groups and individuals. I believe current management provides sufficient protection to wilderness and park values.

The expansion of park and wilderness lands in S-7 more than doubles the currently-protected acreage. I believe that such designation would drastically reduce access and use by the public of these lands. I urge that current management for multiple use purposes be continued.

Sincerely,

Alan J. Lamb

Alan J. Lamb

TELEDYNE
TUNGSTEN

4709 NORTH EL CAPITAN
SUITE 109
FRESNO, CALIFORNIA 93711
(209) 275-0737

July 14, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forest
Senate Energy and Natural Resources Committee
U.S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers,

Reference: Hearing on S-7, week of July 21, 1987.

As a long time business man in California I wish to go on record in strong opposition to S-7 (Cranston, California Desert Protection Act) I oppose for the following principal reasons:

(1) This bill is being imposed by the will of the few at the expense of the many.

(2) The present, multiple use program administered by the BLM, has been imminently successful, in the areas in question in that it has property protected environmental and esthetic values, while allowing selective use for the public and controlled use of resources. New restrictive parks and wilderness areas are therefore not needed.

(3) Proponents of S-7 have blatantly misled the public about the potential impact as well as the potential benefits of the bill. They have spread the statement that there is no mineral potential remaining in the desert region. This is a grand lie. Besides they are not qualified to judge such a potential It has been shown by the U.S.B.L.M., that there is actually a vast and varied mineral potential in the desert area. Unusual but highly important minerals like rare-earth minerals, boron and columbium are known to exist here but are unlikely to be found in any other parts of the U.S.

Teledyne Inc. our parent company is an important user and fabricator of the rare element Columbium. The U.S. is entirely dependent upon foreign sources for this super conducting metal.

(4) Other misinformation is that S-7 would create an economic boon to tourism. This is not true: Tourists would be much more restricted than they are now by the normal controls of parks and wilderness.

(5). The bill would permanently lock up resources from any exploration in the future. Geothermal energy, important metals and minerals are likely to be found.

The mining industry could operate in the dry climate, and open spaces with less environmental impact than in most other areas of the U.S. while developing important strategic minerals.

(6) Passage of the Bill would cause long-term negative impact on the economics of the area directly, in addition to negative impacts on jobs, regional markets and trade areas caused by the eventual loss of production. This would include closures of present operation, and markets due to the severe over-regulation, that would result from massive government involvment.

(7) The cost to taxpayers would be a further impact. No one could expect the Federal government to take over a region measured in millions of acres without incurring great expenditures which would inevitable grow to hundred of millions of dollars annually, under the bill's catch-all tenent - "expenditure of such sums as may be necessary--"

Robert K. Linn

Robert K. Linn
President

RKL:dg

cc: John Melcher
Jeff Bingaman
Tim Wirth
Wyche Fowler
Kent Conrad
Mark Hatfield
Lowell Weicker
Pete Domenici
Malcom Wallop
Frank Murkowski
Chic Hecht

SRM SOCIETY FOR RANGE MANAGEMENT
1839 York Street, Denver, Colorado 80206

June 16, 1987

The Honorable J. Bennett Johnston
136 Senate Hart Office Building
Washington, D.C. 20510

Sir:

The Board of Directors of the Society for Range Management has reviewed the California Desert Protection Act proposal (S.7), introduced in the U.S. Senate by Alan Cranston. The Society for Range Management is strongly supportive of Multiple Use Management (see enclosed Policy and Position Statements) and, as such, has serious concerns regarding the need for, and implications of, this act. We are particularly concerned that there may be a direct conflict with the concept of Multiple Use Management.

The California Desert Conservation Area (CDCA) was established by the Federal Land Policy Management Act of 1976. The CDCA is currently being managed by the Bureau of Land Management (BLM), under multiple use principles and in accordance with that law and its special provisions for the Conservation Area. Carrying out that mandate involved extensive public input (50,000 public comments) that resulted in the comprehensive Desert Plan, which was approved by Secretary Cecil Andrus in 1980. That Plan was subsequently reviewed by the Federal Court System for adequacy and found to be in compliance with all laws, including the National Environmental Policy Act.

We question the advisability of the proposed California Desert Protection Act for the following reasons:

> The establishment of a Mojave National Park and the expansion of Death Valley National Monument would eliminate over half of the livestock grazing use on public lands. This is to be done without regard to the financial interests of the users, the cooperative investment in range and wildlife habitat improvement projects, and current rancher maintenance of facilities which also serve wildlife needs. We also feel it does not conform to the scientific principles of modern range management, which enhances vegetation.
>
> The establishment of over 6 million acres of wilderness area essentially ignores the public planning and consensus building which occurred between 1977 and 1980 in developing the CDCA plan. It also severely limits future management options, including installing range improvements to enhance wildlife habitat, watershed values and livestock management.

June 16, 1987
Page 2

It is not to say we oppose professional land and resource management with appropriate protection of sensitive resources. However, it is not our belief that public land has to be placed in parks or wilderness to be "protected". The BLM currently proposes 1.9 million acres, or one-sixth of the CDCA, be included in the National Wildness System; and, in addition, provides special management to 650,000 sensitive acres classed as Areas of Critical Environmental Concern.

We believe the real issues within the CDCA are: protection of wildland values; implementation of management plans, prevention of disposal of public lands; and enforcement of the laws, regulations and plan restrictions to reduce resource damage and vandalism. The public interest is now best served by maintaining resource quality and retaining the wide diversity of uses and opportunities currently available. Scientific and professional management systems are already available to mitigate the resource conflicts which may exist.

Because an intensive program has already been developed to balance resources with the needs of all users, we question whether it is prudent, or in the best interest of the public, to resolve resource conflicts by eliminating uses at the outset, rather than implementing already existing alternatives or by allowing for other alternatives which may prove to be more adaptable to future needs.

The Society for Range Management encourages support be placed on implementing the current Multiple Use Plan for management of the California Desert Conservation Area, rather than the California Desert Protection Area. It is our belief that the Plan, as currently established and, given an appropriate opportunity to prove its merits, is more desirable than establishing a new and more restrictive management system.

Very truly yours,

Jack R. Miller

Jack R. Miller
President, Society for Range Management

Rangelands 7(5), October 1985

Policy Statements
by
The Society for Range Management

Rangeland and Range Resources

Rangeland is a broad category of land, comprising more than 40% of the earth's total land area and producing a variety of resources beneficial to man. The principal characteristics of rangeland are: (1) a natural vegetation of predominantly grasses, grass-like plants, herbs, or shrubs; and (2) a suitability to ecological management rather than to agronomic management. Rangeland includes natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes and wet meadows.

The limits of the broad category of rangeland are not precise. The Society for Range Management recognizes that the term "range" in the popular sense embraces forest lands with an understory or periodic cover of herbaceous or shrubby vegetation. Rangelands have also been seeded to domesticated or exotic plant species. Seeded lands which are managed by ecological principles rather than agronomic principles are properly termed rangelands.

Range resources include both tangible and intangible products: grazeable forage, wildlife habitat, water, natural beauty, recreational opportunities, minerals, some wood products, germ plasm for domestication and breeding, open space, and areas for ecological studies of natural systems. The kinds and amounts of these rangeland resources will vary over time and from one location to another.

International Cooperation

Knowledge of the art and science of range management is increasing and professional organizations have been established in many countries to improve management skills and understanding of rangeland ecosystems. The Society for Range Management will continue to promote international meetings for a mutually advantageous exchange of knowledge and new ideas.

The Society for Range Management, in recognition of its international membership and the worldwide distribution of rangelands, therefore affirms its responsibilities to: (1) support international development and dissemination of range management knowledge, (2) maintain liaison with other relevant professional organizations around the world, and (3) support sound ecological management of rangelands worldwide.

Management of Rangeland Ecosystems

Rangeland ecosystems are diverse and dynamic. Humans are an integral and important component of rangeland ecosystems with the ability and responsibility to manage these systems intelligently. Healthy productive ecosystems capable of producing food, fiber, water, wildlife habitat, recreation opportunities, aesthetics, and other benefits are the primary objectives of rangeland management.

The Society for Range Management believes that sound management of rangeland ecosystems requires correct application of ecological and economic principles. Range managers should select their objectives and actions after developing comprehensive inventories and descriptions of rangeland ecosystems sufficient to predict probable consequences of actions. The Society maintains that properly managed and improved ecosystems will provide optimum sustained yield of products and benefits for human welfare.

Multiple Use of Rangeland Resources

The Society for Range Management recognizes that the objective of multiple use management of rangelands is to achieve a combination of uses that best meets the needs and desires of people and is compatible with long-term capability of the land.

"Multiple use" implies the existence of a mix of two or more uses in the same time and space that provide those tangible products and intangible values desired by society.

The Society for Range Management encourages multiple use management of both public and private rangelands, where appropriate, for the production, of water, animal products, wildlife habitat, wood products, minerals, energy, recreational opportunities, natural scenic quality and other such tangible and intangible products.

Education

A continuing need exists for people formally educated in the science of range management. The Society for Range Management strongly supports educational programs that provide the most up-to-date understanding of the structure, function, analysis, and management of range ecosystems with appropriate supporting and supplementary course work in related agricultural and natural resource disciplines, social sciences and in oral and written communications.

Because of the diversity and complexity of rangeland management, the Society for Range Management encourages range managers not formally educated in the science of range management to avail themselves of both formal and informal educational opportunities. Continuing education affords all rangeland managers the opportunity for increasing and updating knowledge of ecological, economic and sociological principles applicable to rangeland management.

Rangeland Inventories

The Society for Range Management recognizes that resource inventories are a basic requirement for planning and management of rangeland resources. These inventories must sufficiently describe the resources to provide adequate information upon which to base planning and management in conformance with land capability.

The ever-increasing demands on rangelands require that allocation of resources be based on an assessment of those resources as well as a knowledge of human needs and desires.

The Society for Range Management promotes rangeland inventories that are adequate for making planning and management decisions.

Research Needs, Funding, and Implementation

The Society for Range Management recognizes the need for adequate and sustained public and private support of range research programs. Such programs should include adequate funding to provide for needed research and the dissemination and implementation of results obtained.

The Society supports strong programs, based on long-range planning, in both basic and applied range research and prompt dissemination of results.

Maintaining and Improving Environmental Quality

The Society for Range Management recognizes that rangeland management practices must be planned and applied to enhance environmental quality. The Society advocates managing for a high level of environmental quality consistent with reasonable and prudent use of the rangeland resources.

Livestock Grazing on Rangelands

The Society for Range Management recognizes that livestock grazing is a desirable rangeland use, that the production of animal protein from rangelands is vital in meeting the nutritional needs of an expanding world population, and that range foraging by livestock is both economically and culturally significant in all parts of the world.

The Society further recognizes the value of livestock as a management tool to bring about desired trends or changes in certain plant communities to improve forage production, watershed conditions, wildlife habitat, recreational and aesthetic quality and other tangible or intangible products.

The Society advocates controlled grazing according to sound management to maintain or improve rangeland quality and productivity.

Water Management

The Society for Range Management recognizes that rangelands constitute a large portion of water-producing land area of the earth. In management of rangelands, full consideration should be given to maintaining or improving the quality and quantity of water, and to minimizing soil erosion and sedimentation.

The Society advocates sound management of rangeland ecosystems to enhance water quality and minimize soil erosion and sedimentation.

Wildlife Management

The Society for Range Management recognizes that rangeland provides a great variety of wildlife habitat. Many wildlife species occurring on rangeland are of direct economic importance for consumptive use and for non-consumptive recreation use.

The Society recognizes that wildlife is an integral component of a healthy and productive rangeland ecosystem and that wildlife management principles should be integrated with rangeland management principles to maintain or restore diversity of wildlife habitat.

Position Statements by the Society for Range Management

Recreational Use of Rangelands

The Society for Range Management recognizes rangeland as a significant source of recreational opportunities. In addition, the economic returns generated by such activities have tangible and intangible beneficial effects on local economies.

The Society for Range Management supports the concept that development of recreational opportunities on rangeland should be considered provided that such use does not adversely affect the basic resources.

Wilderness Management

The Society for Range Management recognizes that the principal value of wilderness areas is to preserve portions of natural ecosystems for purposes of scientific study and provide wilderness experiences for future generations.

The Society supports the concept of multiple use management, including livestock grazing as appropriate, in wilderness areas.

Management of Aesthetic Values

The Society for Range Management recognizes that properly managed rangelands possess natural beauty and other aesthetic values which are usually associated with the natural harmony and pleasing diversity of plant and animal life.

The Society supports the concept that activities of people should not detract from aesthetic values of rangelands and may often enhance them.

Integrated Pest Management

The Society for Range Management recognizes that manipulation of components of rangeland ecosystems may be necessary to manage specific plant or animal pests. The manipulation may include such measures as mechanical, chemical and biological treatment, including prescribed burning, or combinations of these.

The Society supports the concept that integrated pest management should be used as necessary and feasible. It also emphasizes the need for sound management following treatment to assure that the long-range objectives are met.

Off-road Vehicle Use

The Society for Range Management recognizes that off-road vehicles are operated on rangelands. The Society supports the concept that these vehicles should be operated in a manner that does not damage the resources and minimizes conflicts with other uses of rangelands.

These statements were accepted by the Board of Directors on February 14, 1985. Please retain this article for your records; however, a brochure in a shortened format is available upon request to SRM, 2760 W. 5th Avenue, Denver, CO 80204.

Summary of Testimony Before
The U.S. Senate
Subcommittee on Public Lands, National Parks and Forests,
Opposing S-7,
by Robert A. Sanregret, A.B., M.B.A., J.D.
Representative of the Western Mining Council, Inc.
at
Washington, D.C.
July 21-23, 1987

S-7 would be incalculably expensive for the American public, and must not be passed.

The April 6, 1987, Congressional Record quotes Senator Cranston as follows:

Question: "I have heard that there are millions of dollars of minerals, including critical strategic minerals, in the California Desert. Would these be lost to development under the bill [S-7]?"

Answer (by Senator Cranston): "The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for over a hundred years. Most studies show that there is little remaining commercially developable mineralization in the California Desert."

This statement by Senator Cranston is absolutely false.

Fact #1: In 1986, $1.3-billion of non-fuel mineral production came from the California Desert (over half of California's $2.3-billion 1986 production).

Fact #2: In 1986 only 2% of the California Desert mineral production was "sand and gravel." ($27-million of California's 1986 $545-million sand and gravel production).

Fact #3: 100% of the 1986 U.S. production of boron minerals were mined in the California Desert (1986 value, $431-million).

Fact #4: 97% of the U.S. rare earth mineral production comes from the California Desert. Rare earths are essential to high technology applications including lasers, high-power magnets and the recent breakthroughs in superconductivity research which hold the key to future quantum advances in energy conservation.

Fact #5: In 1986 over 200,000 Troy ounces of gold were mined in the California Desert (approximately $90-million); and the estimated 1987 production is 255,000 Troy ounces, and 305,000 Troy ounces for 1988.

There are hundreds of mining operations in the California Desert, and three world-class California Desert mines, each of which were discovered by individual independent prospectors: (1) Molycorp's "Mountain Pass Mine", (2) Gold Field Mining Corp's "Mesquite Mine", and (3) U.S. Borax Corp's "Boron Mine."

The three operating mines discussed above are currently three of the largest in the California Desert, and were all three discovered by individual independent prospectors.

The fiscal impact and dollar cost, of S-7 would be tremendous. Please consider the several areas of the substantial cost to the U.S., and to the U.S. citizens, which would result if S-7 were to become law:

Cost #1 -- Increased Minerals Prices, due to disappearance of California Desert supplies and dependence upon unreliable foreign cartel sources.

Cost #2 -- Fifth Amendment "Takings", being billions of dollars of real and personal property and desert businesses taken and destroyed by S-7.

Cost #3 -- Noncompensable Losses, of thousands of desert-related businesses (recreation; vehicles; supplies), not directly compensable as 5th Amendment "taking."

Cost #4 -- Subservience to Foreign Sources of Minerals. Beyond the increased minerals prices, the U.S. will be at the mercy of foreign mineral sources to get the minerals at all.

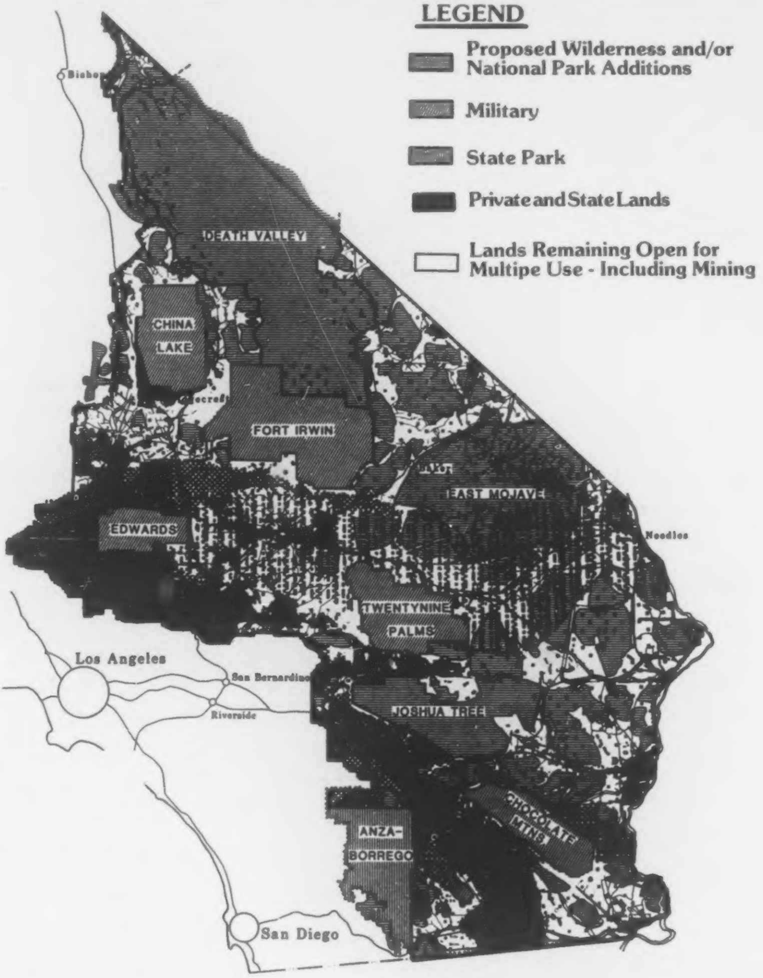
CONCLUSION: Because of the tremendous cost and fiscal import to the U.S., with no offsetting "benefit", the U.S. does not need and cannot afford S-7. S-7 should be defeated.

Thank you for allowing the Western Mining Council to present its views in opposition to Senate Bill 7.

ROBERT A. SANREGRET
Western Mining Council, Inc.

RAS/tm

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA
BILLS NO. S-7 and H.R.-371


LEGEND
Proposed Wilderness and/or National Park Additions
Military
State Park
Private and State Lands
Lands Remaining Open for Multipe Use - Including Mining
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EAST MOJAVE
Needles
EDWARDS
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
CHOCOLATE MTNS
ANZA-BORREGO
San Diego

Testimony Before the U.S. Senate
Subcommittee on Public Lands, National Parks and Forests,
Hon. Dale Bumpers, Chairman

Review of Proposed Senate Bill 7 ("Desert Wilderness Bill")

Presented by
Robert A. Sanregret, A.B., M.B.A., J.D.
Representative of the Western Mining Council, Inc.
at
Washington, D.C.
July 21-23, 1987

Mr. Chairman and Members of the Subcommittee:

Thank you for allowing the Western Mining Council to present its views in opposition to Senate Bill 7. The Western Mining Council is a group of independent small-scale miners and prospectors, active throughout the Western U.S. mining states.

The proposed Senate Bill 7 (S-7) would affect about 9-million acres in the Mojave Desert in southwestern United States, primarily in California (sometimes referred to as the "California Desert"). S-7 would vastly increase the geographical area designated as wilderness, "National Monuments" and "National Parks", and would remove approximately 14,000 square miles from present or future productive use. S-7 would be incalculably expensive for the American public, and must not be passed.

What's in the California Desert?

The April 6, 1987, Congressional Record quotes the following question asked of Senator Alan Cranston (primary sponsor of S-7), and Senator Cranston's answer, as follows:

> Question: "I have heard that there are millions of dollars of minerals, including critical strategic minerals, in the California Desert. Would these be lost to development under the bill [S-7]?"
>
> Answer (by Senator Cranston): "The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for over a hundred years. Most studies show that there is little remaining commercially developable mineralization in the California Desert."

This statement by Senator Cranston is false and misleading. This statement and misunderstanding of fact is apparently one of the bases upon which S-7 was conceived. However, I ask that you look at some facts:

Fact #1: In 1986, $1.3-billion of non-fuel mineral production came from the California Desert (over half of California's $2.3-billion 1986 production).

Fact #2: In 1986 only 2% of the California Desert mineral production was "sand and gravel." ($27-million of California's 1986 $545-million sand and gravel production).

Fact #3: 100% of the 1986 U.S. production of boron minerals were mined in the California Desert (1986 value, $431-million).

Fact #4: 97% of the U.S. rare earth mineral production comes from the California Desert. Rare earths are essential to high technology applications including lasers, high-power magnets and the recent breakthroughs in superconductivity research which hold the key to future quantum advances in energy conservation.

Fact #5: In 1986 over 200,000 Troy ounces of gold were mined in the California Desert (approximately $90-million); and the estimated 1987 production is 255,000 Troy ounces, and 305,000 Troy ounces for 1988.

The facts relative to present and potential mineral production are readily available; and data and references have been and will be supplied by myself, by my associates and by other witnesses.

In 1986 a joint study by the BLM (U.S. Department of Interior, Bureau of Land Management), the California Division of Mines and Geology, and California State Mining and Geology Board, offered substantial evidence of the high mineral potential of the California Desert.

There are hundreds of mining operations in the California Desert, and I would like to mention three world-class California Desert mines, each of which were discovered by individual independent prospectors, and are discussed briefly below:

(1) Molycorp's "Mountain Pass Mine": In April 1949 Herbert Woodward and James Watkins borrowed a geiger counter from "Pop" Simon and set out looking for uranium in San Bernardino County, California. They found radioactive rock, had it analyzed by the Bureau of Mines who identified the mineral bastnaesite, a fluo-carbonate of the cerium group of rare earth metals. Molycorp bought the claims from the original prospector/locators in 1950. In 1951 the Sulphide Queen ore body was discovered, and Molycorp also acquired those claims. In 1951 there were very few uses for rare

earth metals. Molycorp research labs were able to develop uses for the rare earth metals and develop markets for their ore. The Sulphide Queen ore body is the largest deposit of its kind in the world. The use of and need for the rare earths in the current superconductivity "boom" is critical.

(2) Gold Field Mining Corp's "Mesquite Mine": Dick and Anna Singer prospected and staked their first mining claims in the Mesquite District in Imperial County, California, in 1957. After years of work and acquiring additional property in the area, the Singers approached major mining companies, several of which sent geologists to look over the property and take samples, only to reject the property. Then, in 1980-1981 geologists from Gold Fields Mining Co. investigated the property, leased it, conducted extensive exploration and feasibility studies, and in 1986 achieved full scale production from a deposit that dozens of geologists and federal and state geological surveys had originally said was "not economic." Current production from the Mesquite Mine is over 150,000 Troy ounces of gold annually (about $70-million), employment is about 300 persons, and the annual payroll is over $6-million.

(3) U.S. Borax Corp's "Boron Mine": In 1913 Dr. John Suckow, a homesteader, discovered borate minerals while

drilling a water well in Kern County, California, in the Mojave Desert. U.S. Borax Co. acquired the property and started production in 1926. Since that time this deposit at Boron, California, has annually yielded more than 60% of the free world borate production.

The three operating mines discussed above are currently three of the largest in the California Desert, and all three were discovered by individual independent prospectors. These deposits were discovered by people who were looking in areas not known to contain deposits, or where it was thought to be sub-economic at best. Many more prospectors have discovered what turned into operating mines. The incentive for this success is the 1872 Mining Law which provides an opportunity for citizens to enter public domain land and to prospect for minerals. The mining law provides incentives in that if a person finds a mineral deposit, he can develop a mine and ultimately acquire a patent to the property. There is no up-front subsidy by the federal government. There is no "subsidy payment" for not prospecting, nor is there payment for not producing. Obviously only a small percentage of mining exploration prospects result in a profitable mine. However, the successful prospector's reward for a productive job well done, for discovering valuable minerals, is the prospector's assurance under the 1872 Mining Law that the mineral deposit can be developed. These three major mines, and many others in the California Desert, would not have been discovered and developed without the incentive of the Mining Law; and there are thousands of persons today, and several in this room, who regularly go out prospecting for minerals in the California Desert.

The costs of not producing minerals in the California Desert can only be estimated. If the Coloseum Mine, at Clark Mountain (San Bernardino County, CA) is not allowed to open because of the designation of the Mojave National Park under S-7, 100 to 150 jobs will be lost that would have supported 100 to 150 families. If the gold deposit in the Castle Mountains area near Hart, in San Bernardino County, is not allowed to be developed for the same reason, another 100 to 200 jobs will be lost. Annual payrolls of from $3-million to $6-million at each mine will be lost, along with the support and service industries that would have benefited from just these two deposits, both in advance stages of exploration and feasibility studies. If S-7 were to terminate the development of these mines, the federal government (i.e., the public), would be liable to pay "just compensation" to the claim owners for the "taking" of their property. (Also discussed elsewhere in this report).

Another direct economic factor to consider is that by importing a mineral from a foreign country rather than exporting it from the California Desert, worsens the U.S. balance of trade deficit. At a time when our nation needs to stimulate the creation of new jobs, to better its trade deficit and to further strengthen the economy, the passage of S-7 would operate counter to each of these several goals.

The environmental costs for closing mines or not allowing new mines to open would be great. Molycorp's Mountain Pass Mine in the California Desert produces 97% of the U.S. production of rare earth minerals. If this mine were to close, the production would have to come from elsewhere. Major supplies of rare earths would most likely come from Mainland China. In the U.S. we have strict environmental controls to protect air, water, and the land surface. The same strict environmental controls are not found in many countries of the world, and non-existent in China. By increasing mining in China, at the expense of decreased mining in the U.S., the world environment would suffer, the U.S. trade deficit would suffer, the former U.S. mine operators would suffer, and the U.S. would still pay more, possibly much more, for the very same minerals which lie untouched beneath the California Desert "wilderness."

S-7 is not needed because over the last 20 years the California Desert has been the direct object of a comprehensive overall plan, administered by the BLM; and a brief history of the evolution of the current California Desert Plan follows:

In 1965 the BLM began an inventory of California Desert recreation land for the Bureau of Outdoor Recreation. In 1968 the BLM and the National Park Service published a study "The California Desert", the first such study, analyzing desert recreation and its effect. In 1970 the BLM issued a report with recommendations for management of off-road vehicles. Planning guide lines were developed in 1971 and the Desert Plan Staff was authorized in 1972. In 1973 the Interim Critical Management Plan (ICMP) for motorized vehicles was issued. With public participation the ICMP was revised and re-issued in 1973. The first area management plan, the Management Plan for the Yuha Planning Unit was issued in 1975, followed in 1976 by Management Plans for Red Mountain and the El Paso Planning Units.

The Federal Land Policy and Management Act of 1976 (known as "FLPMA") was signed into law on October 21, 1976. This act established the 25-million acre California Desert Conservation Area ("CDCA"). FLPMA also mandated the development of the "CDCA Plan".

For reference, two pertinent portions of FLPMA are quoted here:

FLPMA, Section 601(d), provides in part:

> "Such [CDCA] plan shall take into account the principles of multiple use and sustained yield in providing for resource use and development, including, but not limited to, maintenance of environmental quality, rights-of-way, and mineral development."

FLPMA, Section 603(a), provides in part:

> "[P]rior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present in such areas."

Prior to adopting the "CDCA Plan", there were twenty-one California Desert Conservation Area Advisory Committee public meetings and field trips during the inventory and draft planning stages of the CDCA Plan. In February 1980 the Draft Plan Alternatives and EIS were released for public review and comment. During April and May 1980 twelve public hearings were held throughout California on the Draft Plan and the EIS. More than 40,000 separate comments on the CDCA Plan were received throughout the process.

Public comments on FLPMA were reviewed, analyzed, and considered prior to the release in October 1980 of the proposed "California Desert Plan" and Final EIS, with appendices, for public review and comment. In October 1980 twelve more public hearings were held throughout California on the proposed plan. In November 1980 review and analysis of addition public comment was made and the Final California Desert Conservation Area Plan and signed by Secretary of Interior Cecil Andrus in December 1980.

As of mid-July 1987 the BLM has received mineral survey reports from the USGS and the U.S. Bureau of Mines on most of the areas preliminarily recommended as suitable Wilderness Study Areas (WSA's).

S-7 calls for the establishment of 81 new "Wilderness Areas", about half of which have never had a mineral survey requested of the USGS or of the U.S. Bureau of Mines.

The fiscal impact and dollar cost, of S-7 would be tremendous. Please consider the several areas of the substantial cost to the U.S., and to the U.S. citizens, which would result if S-7 were to become law:

> Cost #1 -- Increased Prices of Minerals. The purchase price or cost of many minerals, rare earths and critical minerals will rise, if not skyrocket, because of the disappearance of the supply and potential sources for these minerals from the California Desert. The U.S. government and businesses would be dependent upon and subject to the foibles and whims of, and price gouging by, foreign sources

of these essential minerals, such as we were in the oil "shortage" of the 1970's. The only other major source of boron is in Turkey; and the rare earths are available primarily only from Mainland China and from eastern bloc countries.

Cost #2 -- Fifth Amendment "Takings." Billions of dollars of eminent domain awards will be due to the present owners of property, real estate, mining claims and businesses which will be "taken" if S-7 becomes law. These awards will be based upon the impossibility and failure to effectively comply with the bland provisions of S-7 that "all existing rights will be preserved", as such has proved impossible in the past, and the U.S. government will increasingly be looked to for compensation for such inverse condemnation "takings" under the 5th Amendment, as recently reaffirmed in the two June 1987 U.S. Supreme Court decisions (the "Glendale Church", and the "Ventura beach access" decisions). In 1980 a federal lease which was restricted by "wilderness protection stipulations" was held to be a mere "shell" lease, and a compensable "taking"; and mining claims subjected to wilderness restrictions would also seem to be a "taking" of real property requiring just compensation under the 5th Amendment. The frustrations of various miners, including efforts of Dr. Ralph E. Pray to open his Christmas

Mine in 1974-1976 in Death Valley, are documented in the literature, and are available to this Subcommittee.

Cost #3 -- Non-Compensable Losses. Thousands of businesses, large and small, will be hurt or destroyed by S-7, with many of these private losses being non-compensable under the 5th Amendment. (e.g., prospector supply shops, recreation businesses, vehicle sales and service, most California Desert businesses, etc.). So, it is certainly incorrect to say that there is "no fiscal impact" to S-7.

Cost #4 -- Dependence Upon Unreliable Foreign Sources for Minerals. The most serious "cost" of S-7 will be our dependence upon and subservience to foreign, unreliable and unfriendly sources, monopolies and cartels for essential minerals and rare earths which are indispensable to keep the U.S. edge and dominant position in the critical fast-developing areas of military hardware, space technology and superconductivity. We will be unable to keep our "edge" if an unfriendly foreign cartel chooses to not sell us their minerals or rare earths. No dollar value can be placed upon the U.S. retaining its position as the world leader in these areas of research, technology, security and national defense.

Conclusion:

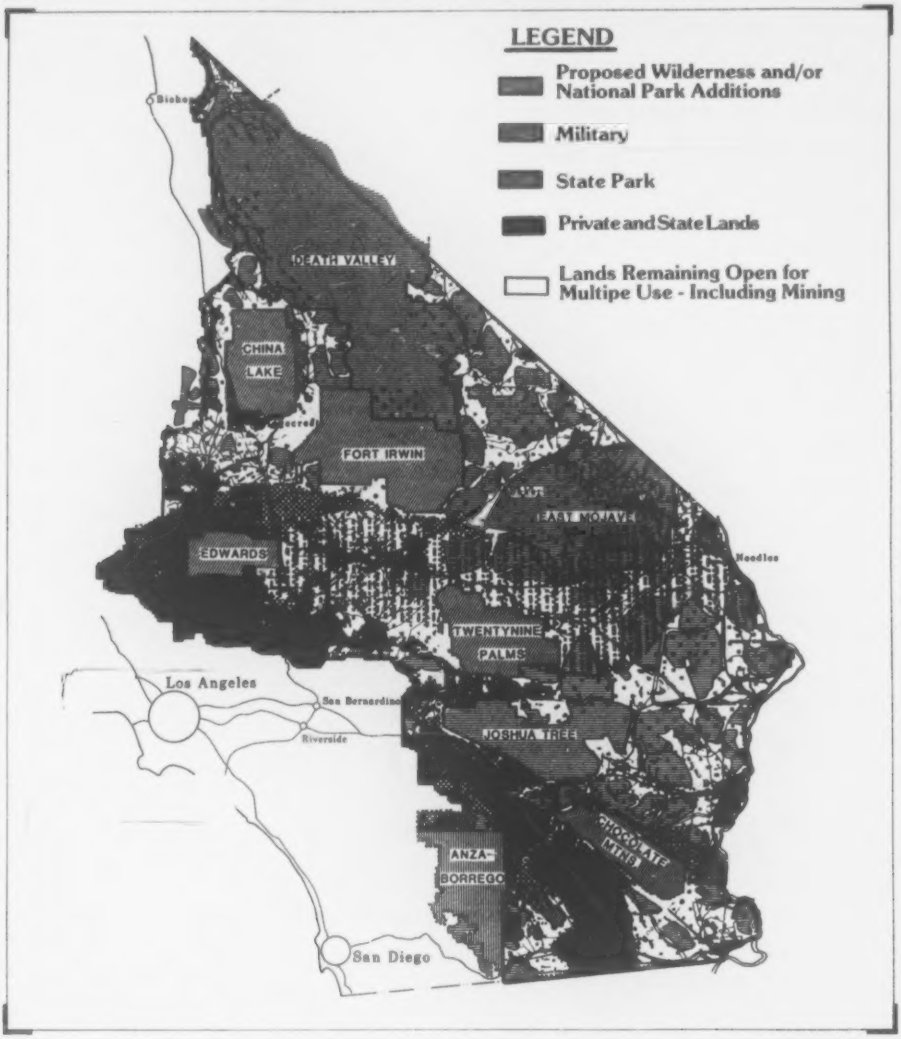
S-7 should not be enacted because of the tremendous unnecessary fiscal impact and cost of doing so, as discussed above, and because there presently exists an effective multiple-use California Desert Management Plan, administered by the BLM, which has been 20 years in the preparation and making, and which works. The U.S. does not need and cannot afford S-7, and S-7 should be defeated.

Thank you for allowing the Western Mining Council to present its views in opposition to Senate Bill 7.

ROBERT A. SANREGRET
Western Mining Council, Inc.

RAS/tm

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA BILLS NO. S-7 and H.R.-371


LEGEND
Proposed Wilderness and/or National Park Additions
Military
State Park
Private and State Lands
Lands Remaining Open for Multipe Use - Including Mining
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EAST MOJAVE
EDWARDS
Needles
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
CHOCOLATE MTNS
ANZA-BORREGO
San Diego

JULY 10, 1987

JUL 20 RECD.

SENATOR DALE BUMPERS
CHAIRMAN ON SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS, AND FORESTS
308 SENATE DIRKSEN OFFICE BLDG.
WASHINGTON, D.C. 20510

Dear Senator Bumpers,

My family and I would like for this letter to go on record at the S.7 Senate committee hearings. It is imperative that S-7 be stopped for the following reasons:

1. No economic impact study has been done for the proposed area.

2. Millions of dollars are being wasted on wilderness study for areas that have proven not to be worthy of wilderness. This money could best be utilized for the emelioration of poverty.

3. Vast mineral resources in the proposed area are being ignored.

4. Disallowing vehicular access to remote desert areas would be signing a death warrant for those not educated in desert survival.

5. Most of all-- We love living in this area. If this bill goes through,

many of us will be forced to leave either directly from the government or forced out from economic starvation.

Please don't let S.7 live. Don't let a handful of people flying over our desert home make terminal choices for those of us who live here.

Sincerely,

Lisa A. Barbee

Lisa Barbee
Tecopa, California

JUL 22 REC'D

16180 Yosemite Rd.
Sonora, California 95370
July 16, 1987

Re: California Desert Protection Bill, S.7.

Senator Dale Bumpers, Chairman
Public Lands, National Parks and Forests Subcommittee
308 Dirksen Senate Office Bldg.
Washington D.C. 20510-6150

Dear Senator Bumpers and Members of the Committee:

I am writing to express my strong opposition to S.7 and I hereby request this letter be read into the record.

I have spent a great deal of time on the Mojave Desert. My dad Fred Twisselmann and other members of my family had a cattle operation there--a BLM grazing lease headquartered near Cima--for over 30 years and I know the desert well, particularly the area the bill would designate as Mojave National Park.

As a long-time and intimate observer of the Mojave, my overriding criticism of the bill is its complete disregard for quality--quality measured in national park/wilderness terms. Vast tracts of land are included which by no stretch of the imagination could be found worthy of such recognition and treatment. This disregard for highest and best use--affecting privately-owned, State, and Federal lands--not only adds a minus value on the national park/wilderness side but, also, subtracts a positive value on the side of other diverse highest and best uses.

Take, for instance, the acreage members of my family and I own some four miles southeast of Baker which the supporters of S-7 would put within the boundaries of Mojave National Park. This land, believe me, has no unique qualities, aesthetic or other potential that would put it in a park or wilderness class! Quite the contrary. It is level to slightly sloping with vegetation consisting mainly of creosote bush. This merges indistinguishably with other land dotted with creosote bush, and so on, in seemingly endless repetition.

But this acreage DOES have potential for farming in view of the long growing season, well-drained soil, and underground water of agricultural quantity and quality. The Mojave grows the most nutritious alfalfa in the State and, although I am not able to farm the land myself, I hope, one day, to see this monotonous plain blossom forth in rich green, a vision my father held before me.

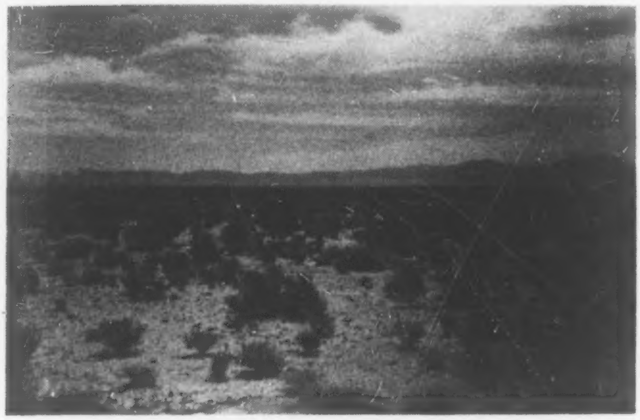
Should the Cranston Bill become law, this use would be lost to us and to future generations. And what of the thousands upon thousands of other acres as tedious and lack-lustre as ours which the bill would cordon off behind inviolable borders? What many other highest and best uses--mining, energy (solar, fossil, thermal), urban development, recreation, cattle grazing--would be shelved in perpetuity by this bill? And what new uses, yet to be discovered, to meet the needs of future generations would be denied by this bill?

Therefore, please consider the consequences were such an excessive bill to become law. The approach to selection for wilderness status under FLPMA is much more in keeping with the real world. Senators of the Committee, please bring some sense of proportion and balance into this picture. These extremist demands for preservation are untenable. We cannot allow one value, indiscriminately applied, to neutralize the value of lands more suited to other uses. Thank you.

Yours truly,

Mitzi Zwisselmann

Mitzi Zwisselmann



Snapshot taken from the west boundary of our property looking east. (All of the land shown--to the horizon, and beyond--lies within the borders of the proposed Mojave National Park.)

Those of you who have crossed the Mojave will recognize the above as the characteristic landscape. There are literally hundreds of thousands of acres that look like this. Hardly the enchanting desert of stark contrasts or rich variety of native vegetation that Easterners call up in their imaginations.

Distribution:

cc: Daryl Owen, Staff Director,
Energy and Natural Resources Committee
229 Dirksen Senate Office Bldg.
Washington, D.C. 20510-6150

Mr. Allen Hill
Chairman of Environmental Quality Control
22 Jackson Place, N.W.
Washington, D.C. 20006

Congressman Jerry Lewis
c/o House of Representatives
Washington, D.C. 20515

California State Senator H.L. Richardson
Room 3063
State Capitol
Sacramento, CA 95814

Honorable Dale Bumpers, Vice Chairman
Energy & Natural Resources Committee
Rm. 229 - Dirksen Senate Office Bldg.
Washington, D. C.   20510

7-20-87

Ref: Senate Bill S7

Dear Sir:

I am vehemently against this bill personally and because of the denial to future generations that removal of over 69% of the currently available land from public access in California.

Leaving only four million acres (4%) of the states one hundred million acres for future resource availability seems a miniscule heritage to our expanding population.

Where will we get our future minerals if we prohibit private enterprise from producing? Certainly not from a munificent U.S.S.R. who's control of the vital and strategic minerals is one of their stated goals.

We desperately need all that can be produced from the natural resources and manufacture. Without them we are relagated to something considerably less than that which helped to make this country great. Gold mining in particular is at long last improving, due to higher metal prices, new recovery technology, updated concepts, etc. This monetary metal is of great importance nationally and worldwide. At least it has been for the proven record of every civilization for over 6,000 years.

How would the state deal with costs for maintenance and surveylance for "one more" denial of individual freedom?

I believe I speak for everyone in this great state when I say that control should not rest in the hands of the few, when all of us have to pay for the negative aspects that denial creates.

Walter Macklin

P.O. Box 254480-213
Sacramento, Calif. 95825

Please make this letter a part of the permanent record of this meeting.

July 17, 1987

The Honorable Dale Bumpers, Vice-Chairman Senate
Energy and Natural Resources Committee
Dirksen Senate Office Building
Washington, D. C. 20510-6150

Dear Senator Bumpers;

I would like to express my strong oppisition to SB7. Please let my letter be made a part of the hearing record.

My late husband and I owned and ooperated a cattle ranch in the East Mojave Desert for a period of 33 years. Since the year 1940 I have observed the economy of this area which is dependent on private enterprise. A national park would greatly deplete the tax base of San Bernardino County. Our nation need the minerals and farm and ranch products that are produced here.

Please consider that the Bureau of Land Management is doing a good job of managing the East Mojave Desert. Much time and effort has been put forth by the Bureau and the local citizens in formulating and implementing a workable and fair plan which considers multiple use, so that all interests may be served.

The proposed national park, with additional lands to be set aside for wilderness serves no purpose but to deny access to it, so that productive use and enjoyment of the open space would be restricted, and to many, cut off. Then one has to realize that additional cost to the Federal Government would be sizable, at a time when we need economy, not unnecessary expenditure.

Very truly yours,
Lucille A. Skinner
Lucille A. Skinner
P. O. Box 37
Cima, Calif. 92323

Copies sent to:
Senator Pete Wilson
Senator H. L. Richardson
Daryl Owen, Staff Director, Energy and Natural Resources Committee
Allen Hill, Chairman, Environmental Quality Control
Jerry Lewis, California House of Representatives
John Joiner, Chairman, San Bernardino County Board of Supervisors

July 16, 1987

The Honorable Dale Bumpers
Energy and Natural Resources Committee
Senate Office Building
Washington, D. C. 20510

Re: Senate Bill #7, California Desert Protection Act of 1987

Dear Senator Bumpers:

I would officially like to be counted on the official Senate Record as being opposed to Senate Bill #7.

I have many reasons, but some are:

1. 391,000 acres of Private Land are to be acquired, yet no great specifics are spelled out in the acquisition of these lands. It does mention a land swap may be initiated for state lands, but nobody has turned in an official request for this and if fiscal monies are to be raised for this, no special bonds are asked for. Of course there is always condemnation proceedings and these I am totally against.

2. 265,000 acres of State Lands, with the same explanation as above plus legal ensnarements of State's Water Rights where it is applicable.

3. Current State Fish and Game and other State Agency practices will be legally hampered (i.e., guzzlers and access to plus State versus National Parks regarding fire policies, etc.).

4. Volunteer practices of conserving animal herds (i.e., Bighorn Sheep Society and their building and maintenance of guzzlers for dry years in the desert and also for the fence maintenance for the tortoise preserve. I have been involved in both of these matters and National Park status would severely impact both).

5. It will curb city and county growth by denying land and could hamper all future water rights.

6. It will deny future cattlemen rights (i.e., Roy Hunter, Olancha, California).

7. It will sufficiently decrease timber rights (i.e., the lands adjacent to Louisiana Pacific, Inyokern, California).

8. It will deny utility rights, both water and communication (i.e., Department of Water and Power, Los Angeles, California and Inyo County Repeater access at Cerro Gordo).

9. It will deny access to establish mineral deposits, both strategic and non-strategic.

10. It will deny revenue for Inyo County to the point that they may not be solvent.

11. And perhaps the most important to me; it changes the status from Bureau of Land Management to Park Status in most of the places that I prefer to go. One of the differences is whether I have to file or be put on a waiting list to use a specific area and whether or not I may enjoy it the way I do now by riding a mountain bicycle, enjoying complete solitude with the freedom that I do now or hiking with my dog and pet parrot. I guess I'd have to file a permit for the three of us.

Last of all, I would like to say I do support the Federal Land Policy Management Act and most of the people in the desert areas agree with FLPMA. Even Senator Cranston agreed with FLPMA (please see Cranston enclosure). So far, the Bureau of Land Management has spent over 8.3 million dollars to insure the rights of individuals, land, etc. would not be violated with respect to conserving the land. FLPMA has also been supported by the Federal Courts in land appeals and it would be a great traverse of American justice for SB#7 to be approved. FLPMA has also been supported by both Democratic and Republican Administrations.

Enclosed, please find petitions and resolutions from various State, County, City and organizations that have not accepted Senate Bill #7. Also, please find various letters from individuals that are against this bill that did not know where to send them and would like them to be incorporated in the Senate Hearings.

Very truly yours,

Sophia Anne Merk

Sophia Anne Merk
2062 Mike's Trail Road
Ridgecrest, California 93555

(619) 375-3181

Encl:
  Cranston letter
  Court Rules in favor of private property owners
  High paying jobs are leaving Inyo
  News Media
  Advisory
  Resolution
    Western Oil + Gas
    Bicycle Assoc.
    Victorville
    Council of Rural Counties
    John Joyner S.B. County
    Searles Valley
    Cattlemen's
    Ridgecrest
    Tulare
  Searles Lake
  CDCA Advisory Board
  Inyo County
    Older V. Fraxion
  10 letters

ALAN CRANSTON
CALIFORNIA

United States Senate
WASHINGTON, D.C. 20510

February 4, 1981

Ms. Sophia Anne Merk
82342 Second Street
Trona, California 93562

Dear Ms. Merk,

Thanks very much for your message re the proposed California Desert Plan. As the sponsor of the legislation mandating the Secretary of the Interior to complete the California Desert Plan by 1981, I'm especially pleased to have your comments.

As you may be aware, in December then Secretary Andrus announced the final plan for the 12.1 million acre California Desert Conservation Area. The final plan recommends 45 areas encompassing over 2 million acres be protected as wilderness. In addition, 75 areas identified as having significant natural and cultural values will receive special management as areas of critical environmental concern. The plan also provides that 505,000 acres will be available for unrestricted off road vehicle use.

While I'm sure there are many who are not totally satisfied, I think this is a balanced plan which should meet the needs of all users of the desert while at the same time protecting the region's unique resources.

Of course success of the California Desert Plan will depend upon its implementation. I'll be working to see that the Bureau of Land Management receives sufficient funds for management of the desert under the plan.

With best wishes,

Sincerely,

Alan Cranston
Alan Cranston

Court rules in favor of property owners

WASHINGTON (AP) — The Supreme Court, in a case of enormous importance to local zoning officials, ruled today that property owners must be compensated when new restrictions are placed, even temporarily, on the use of their land.

By a 6-3 vote, the court said the "just compensation" required by the Constitution's Fifth Amendment for any "taking" of private property for public use applies to zoning laws or other regulations that impose new limits on an owner's use of land.

"Temporary takings which ... deny a landowner all use of his property are not different in kind from permanent takings, for which the Constitution clearly requires compensation," Chief Justice William H. Rehnquist wrote for the court.

Four other times since 1981 the high court has tried to resolve the important property-rights issue. Each time, the justices backed away from cases granted review after finding procedural problems.

The decision was sparked by a California dispute in which the First English Evangelical Lutheran Church is seeking compensation from Los Angeles County.

But the ruling did not resolve that particular dispute.

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he high-paying jobs are leaving Inyo

by Emilie Martin

SHOP — Inyo County's in- rial economic base and its high ng jobs are disappearing, while er-paying, tourist and service- ted jobs gain in the county, ing the payroll to fall by $1.4 on a month, according to stics gathered and analyzed by Snell, director of the state' Em- ment Development Depart- [illegible]

One thousand jobs have been lost in Inyo County since 1981, while 763 new jobs have been created in the same time span. But the wages paid for the jobs lost would have been $2,003,603 per month (about $24 million a year), while wages generated by the new jobs totaled $622,469, (just $7 million a year), for a net loss of $17 million annually in lost wages, Snell's statistics show.

The number of jobs in industry is declining, with 325 jobs lost in mining that paid $2214 a month, 117 jobs at an average $2631 salary lost in the communication industry, 96 jobs worth $775 gone in the amusement category and 86 jobs netting an average of $1166 in food stores lost in Inyo County. These industrial jobs pay higher wages than the services and tourist-related jobs that are becoming more plentiful.

The 118 new jobs in manufacturing pay an average of $982 a month, the 317 jobs in hotels and motels pay a typical monthly salary of $518 and the 110 jobs in health services pay an average salary of $1446.

In terms of number of people employed, local, county, state, and federal government contributed close to 40 percent of the wages paid in Inyo County the last three months of 1985, Snell pointed out. 'And I read that county government may be faced with laying off employees," Snell added.

"Most people don't realize what is happening here. We are losing good paying jobs and not gaining low-paying jobs. The economy is sta ding still, and heading rapidl downhill at the same time," Sne said.

"It is happening by default, no o seems interested in generating ne industry," he asserted. He agree that part of the downturn of the loc economy is a reflection of nation trends where the population i aging, mining industry is slowed b a combination of government polic[illegible] and foreign pressures on th [illegible], and information-oriente bu[illegible]nesses are replacing th [illegible]ditional manufacturin

(Continued on page [illegible])

High paying jobs

(Continued from page 1)

businesses.

Other contributing factors include a slowing of the economy and the fact that fewer people from Mammoth are trading in Bishop. Mammoth has become self-sufficient, Snell said.

Put another way, Snell showed with statistics that total wages paid in Inyo County from 1981 to 1985 stayed almost constant, varying only by a million dollars a year in the range of $22 to $25 million a quarter. At the same time, an inflation rate of 28.5 percent has gripped the economy.

The figures show that even a booming tourist industry can't make up for the industrial decline, Snell said. That, he beleives, explains the plunge in sales tax revenues which has thrown local government budgets into disarray.

"Inyo [illegible]y is losing the industrial [illegible] its economic base. Too ma[illegible] believe that this area live[illegible] on tourism. That look at the possibilities for economic development. Sure, that is a long-term project, but we need to be doing that now to build up momentum," Snell encouraged.

"The main things we have going for us is climate and quality of life. We have to be careful to preserve that, but at the same time we have to respond to the changes in our economic conditions. I am not an economic development specialist. I see my role as a resource with the figures, but somebody has to speak out about this," said the man who deals with unemployment insurance, job orders, and quarterly statistics daily.

Snell said that before moving to Bishop, he worked in a community that was already planning to diversify its economic base. "At that time there were 15,000 communities on the Pacific slope hoping to attract light, non-polluting industry. I know it is a long-term project and it requires full-time attention. Right [illegible]

CALIFORNIA DESERT —

NEWS MEDIA ADVISORY

2/20/87

THE CURRENT CALIFORNIA DESERT PLAN

(1980 To Present)

- Congress designated the 25-million acre California Desert Conservation Area (CDCA) in 1976 in recognition of the Desert's special public and natural values (Section 601, Federal Land Policy and Management Act).
- Congress directed BLM to prepare a comprehensive land use plan "for the management, use, development, and protection of the public lands" in the Desert, covering about half of the CDCA.
- The plan was to follow "the principles of multiple use and sustained yield."
- The act directed the establishment of a California Desert Conservation Area Advisory Committee, consisting of noted experts in various fields, to assist in formulating and implementing the plan.
- Preparation of the plan involved massive research and staff analysis, included dozens of public hearings and more than 40,000 public comments, and cost $8 million.
- The plan was approved by two Secretaries of the Interior in both 1980 and 1981 under Democratic and Republican Administrations.
- Users on both sides commended the balanced nature of the plan. The Los Angeles Times in a 1980 editorial endorsing the plan stated it protects "the interests of preservationists while recognizing the needs of miners, ranchers, and utility companies."
- The plan allocates the Desert into four major use classifications:

  About **1.9 million acres are Class C, proposed for wilderness preservation.** Studies on these areas were to be completed by 1989 for consideration by Congress.

  5.9 million acres are Class L for limited use, meaning these lands are managed to protect sensitive, natural, scenic, ecological, and cultural resource values. Public lands designated as Class L are managed to provide for generally lower-intensity, carefully controlled multiple use of resources, while ensuring that sensitive values are not significantly diminished.

  3.3 million acres are Class M for moderate use, meaning these lands are managed based upon a controlled balance between higher intensity use and protection of public lands. This class provides for a wide variety of present and future uses such as mining, livestock grazing, recreation, energy, and utility development. Class M management is also designed to conserve desert resources and to mitigate damage to those resources which permitted uses may cause.

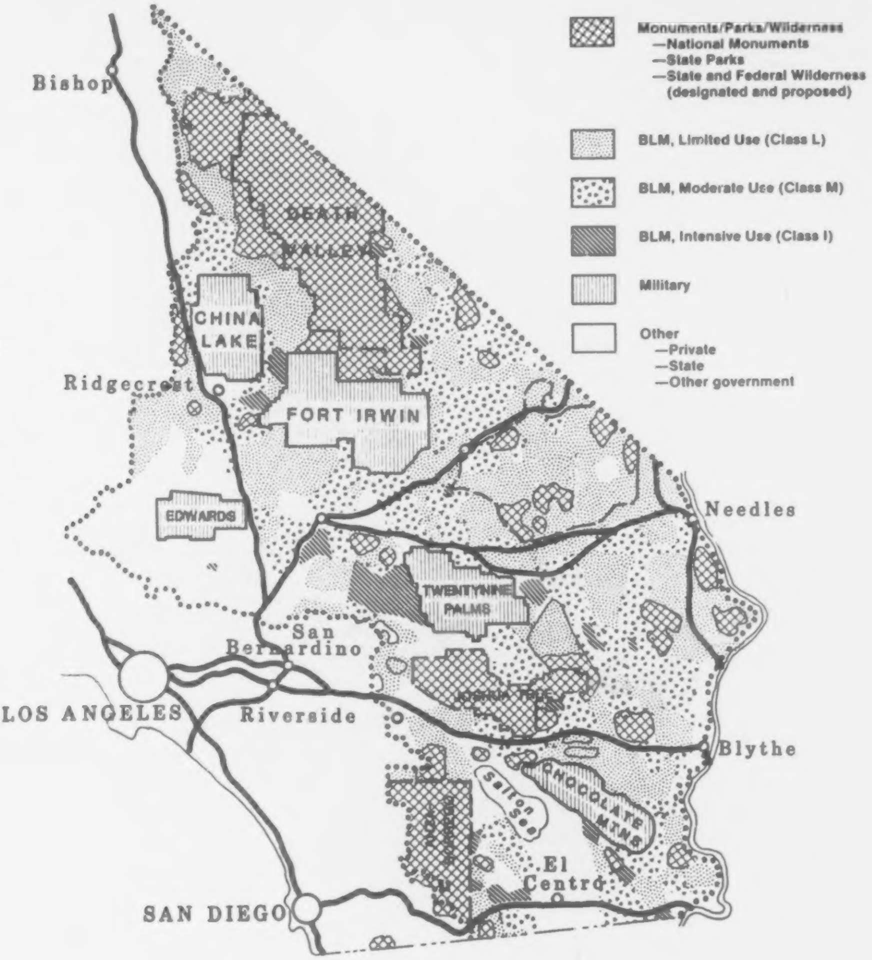
  500,000 acres are Class I for intensive use, meaning that these lands are managed to provide for concentrated use of lands and resources to meet human needs. Reasonable protection will be provided for sensitive natural and cultural values. Mitigation of impacts on resources and rehabilitation of impacted areas will occur insofar as possible.
- Other special use designations are also included in the plan, such as 80 Areas of Critical Environmental Concern, covering 670,000 acres, managed to protect unique or special values.
- The plan carefully identifies areas as open, closed or limited for off-highway vehicle use.
- The plan gives special recognition to the East Mojave Natural Scenic Area and calls for intensive site-specific management.
- The plan allows for development of the Desert's critical mineral resources in a manner that will protect the fragile environment.
- Other resource elements, including wildlife management, allocation of lands for public rights-of-way, etc., are carefully analyzed and accommodated in the plan.
- BLM carries out the plan's direction through a professional staff of resource specialists and a highly trained Desert Ranger Force.
- For more detailed information on the California Desert Plan, contact the BLM's Desert District, 1695 Spruce St., Riverside, CA, telephone (714) 351-6383.

PROPOSED DESERT LEGISLATION

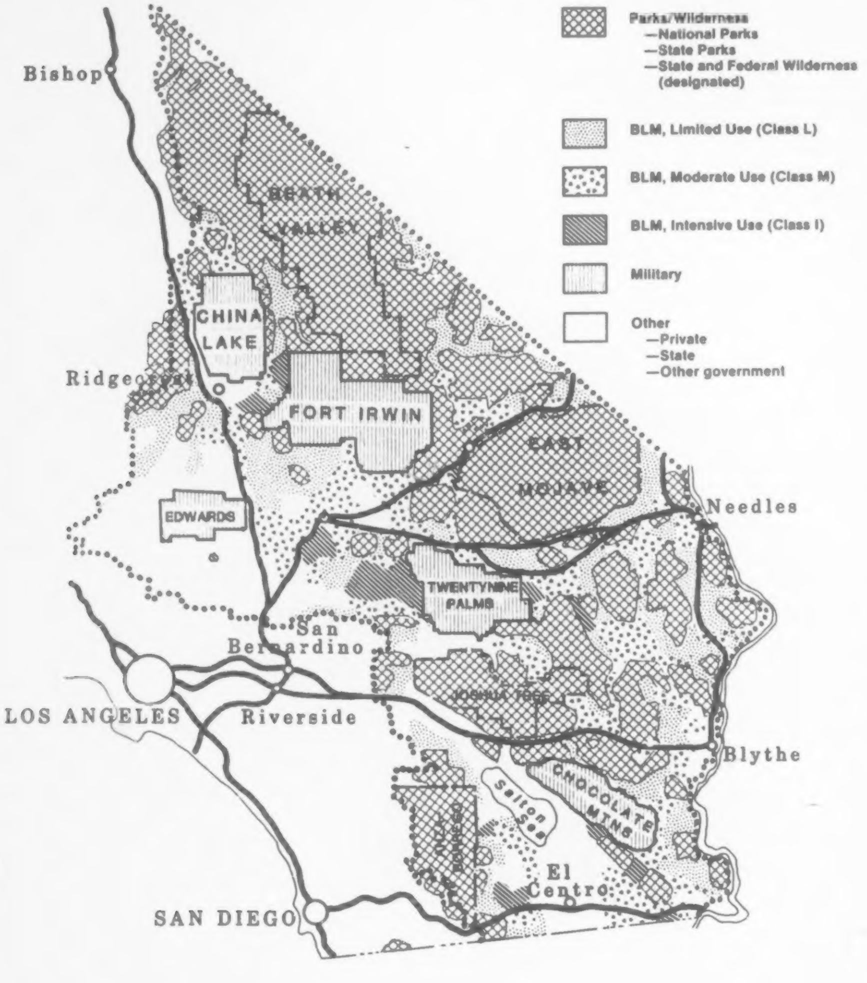
(Senate Bill 7, formerly Senate Bill 2061 and HR 371)

- The legislation would make major changes in the Desert Plan, altering land use on more than half of the BLM-administered lands in the area and all the National Park Service-administered lands, directly affecting about 10 million acres.
- It would create 8.8 million acres of instant wilderness, covering 4.5 million acres managed by the National Park Service (NPS) and 4.3 million acres managed by the BLM.
- Wilderness designation means the areas are closed to all motorized vehicles and commercial uses.
- It would create 5.7 million acres of new National Parks, with 2.5 million drawn from existing National Monuments and 3.2 million from BLM-administered lands.
- National Park designation means the areas are managed to preserve their natural values; vehicular access is limited to existing roads.
- The bill would enlarge the current Joshua Tree National Monument from 560,000 acres to 805,000 acres and redesignate it as a National Park.
- The bill would also enlarge the current Death Valley National Monument from 1.96 million acres to 3.4 million acres and redesignate it as a National Park.
- The bill would create a new East Mojave National Park, covering 1.5 million acres.
- Other special designations include addition of 20,000 acres of BLM-administered lands to the State's Red Rock Canyon State Park, creation of a Desert Lily Sanctuary of 1,920 acres and creation of the Indian Canyons Historical Site of 490 acres.
- As for other uses in these areas, the bill allows no new mining claims and requires existing claims to be validated before any significant work is allowed.
- No new mineral leasing for oil and gas, geothermal and other mineral exploration is allowed in these areas.
- Existing grazing is allowed until the current term of such permits expires and no new grazing use is allowed.
- The bill calls for acquisition of private and State inholdings within the parks and wilderness, estimated at about a million acres, mostly through exchange. Remaining BLM lands (about 4 million acres) would be stock from which most exchanges would be made.
- The bill calls for construction of a visitor center and other facilities. Although no appropriations are mentioned, the legislation calls for expenditure of "such sums as may be necessary to carry out" the legislation.

CURRENT CALIFORNIA DESERT PLAN


Monuments/Parks/Wilderness
—National Monuments
—State Parks
—State and Federal Wilderness (designated and proposed)
BLM, Limited Use (Class L)
BLM, Moderate Use (Class M)
BLM, Intensive Use (Class I)
Military
Other
—Private
—State
—Other government
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EDWARDS
Needles
TWENTYNINE PALMS
San Bernardino
LOS ANGELES
Riverside
Blythe
Salton Sea
CHOCOLATE MTNS
El Centro
SAN DIEGO

PROPOSED DESERT LEGISLATION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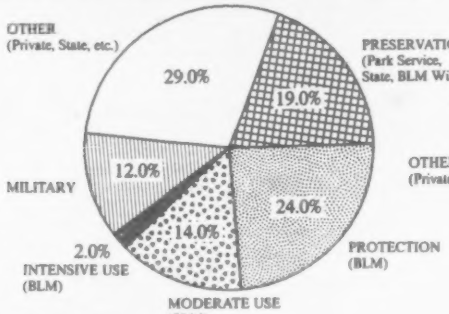
EAST MOJAVE
EDWARDS
Needles
TWENTYNINE PALMS
San Bernardino
LOS ANGELES
Riverside
JOSHUA TREE
Blythe
Salton Sea
CHOCOLATE MTNS
ANZA BORREGO
El Centro
SAN DIEGO

CURRENT LAND USE

(25-million acre California Desert Conservation Area)



Key Points:

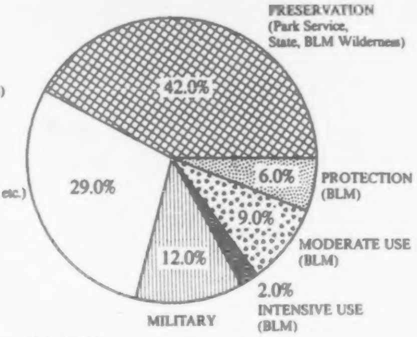
- About one-fifth of the Desert is committed to park and wilderness preservation.
- About one-fourth is managed by BLM primarily to protect cultural and natural values, while allowing other compatible uses.
- About one-eighth is managed by BLM for a variety of uses, balancing development with protection.
- A small fraction (2%), is managed by BLM for intensive use of lands and resources to meet human needs.

PRESERVATION	**4.8 MILLION ACRES**	**19%**
(public vehicle access prohibited in wilderness; restricted in parks)		
National Monuments		
Joshua Tree		560,000 acres
Death Valley		1,957,000 acres
State Park		
Red Rock Canyon		4,500 acres
Wilderness (some in monuments above)		
Park Service Proposed		(1.9 million arces)
Park Service Designated		(467,000 acres)
BLM Proposed		1,900,000 acres
State-Anza Borrego		400,000 acres
PROTECTION	**5.9 MILLION ACRES**	**24%**
BLM, Class L*, limited use		5,900,000 acres
MODERATE USE	**3.3 MILLION ACRES**	**14%**
BLM, Class M*, moderate use		3,300,000 acres
INTENSIVE USE	**500,000 ACRES**	**2%**
BLM, Class I*, intensive use		500,000 acres
MILITARY	**3.1 MILLION ACRES**	**12%**
(no public access)		
Ft. Irwin, China Lake, Chocolate Mountains, Twenty-Nine Palms, Edwards AFB, etc.		
OTHER	**7.4 MILLION ACRES**	**29%**
(limited or no public use)		
Private, State, other government		

*see front page for explanations of land use classes

PROPOSED LAND USE

(under Senate Bill 7)



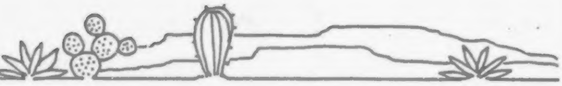
Key Points:

- The amount of land committed to park and wilderness preservation would more than double, from 19% to 42%.
- The amount of land managed by BLM and available for general public use would be reduced from 40% to about 17%, or about one-sixth of the Desert.
- Private land is not immediately affected, but large amounts are inholdings within the proposed parks and wilderness. The legislation calls for acquiring these lands by purchase or exchange, drawing from the 17% of general public use lands remaining.

PRESERVATION	**10.4 MILLION ACRES**	**42%**
(public vehicle access prohibited in wilderness; restricted in parks)		
National Parks		
Joshua Tree (expanded)		805,000 acres
Death Valley (expanded)		3,400,000 acres
East Mojave (new)		1,500,000 acres
State Park		
Red Rock Canyon		24,000 acres
Wilderness (some in parks above)		
Park Service		(4,500,000 arces)
BLM		4,300,000 acres
State-Anza Borrego		400,000 acres
PROTECTION	**1.5 MILLION ACRES**	**6%**
BLM, Class L*, limited use		1,500,000 acres
MODERATE USE	**2.1 MILLION ACRES**	**9%**
BLM, Class M*, moderate use		2,100,000 acres
(The above two categories will drop further, as BLM lands will be used to exchange for private inholdings within the parks and wilderness)		
INTENSIVE USE	**500,000 ACRES**	**2%**
BLM, Class I*, intensive use		500,000 acres
MILITARY	**3.1 MILLION ACRES**	**12%**
(no public access)		
Ft. Irwin, China Lake, Chocolate Mountains, Twenty-Nine Palms, Edwards AFB, etc.		
OTHER	**7.4 MILLION ACRES**	**29%**
(limited or no public use)		
Private, State, other government		

*see front page for explanations of land use classes

It's everybody's desert.



MAY 15, 1987 • AN ADVISORY TO PUBLIC LANDS USERS • VOL. I, NO. I

Desert proposal threatens balanced land planning

Legislation introduced in Congress in 1986 and reintroduced in 1987 as Senate Bill 7 would shatter a carefully designed existing plan that provides for balanced use of California desert lands.

The California Desert Conservation Area plan was completed in 1980 after four years and $8 million went into preparation by the Bureau of Land Management. It adheres to a Congressional mandate: "Follow the principles of multiple use and sustained yield."

The public was involved in some 70 meetings that produced 9,000 written responses and more than 40,000 individual comments during preparation of the program.

It was approved by two Secretaries of the Interior under Democratic and Republican administrations in 1980 and 1981.

Many desert users who participated in the process believe it is fiscally irresponsible to toss out a workable and comprehensive plan that addresses and recognizes the needs of recreationists, miners, ranchers and utilities and protects the interests of preservationists.

Multiple-use groups suggest that problems in BLM administration of the Desert Plan can be solved through funding to ease dramatic cuts made to the BLM budget which has made it impossible for the agency to meet all requirements for study and surveillance of the area.

Included in the wide-ranging provisions of the current plan is a recommendation for setting aside 1.9 million acres for wilderness preservation, protection of special cultural or natural resources, such as Native American artifacts, endangered plant or animal species, unique or unusual geology and other items that demand special management attention and zoning for limited, moderate and intensive uses following Congressional mandates .

The proposed S 7 disregards many of the current plan's provisions and the careful planning behind them. It resurrects issues already addressed in the 1980 plan and alters uses on more than half the approximately 12 million acres of desert land now administered by BLM.

In creating 8.8 million acres of instant wilderness and withdrawing 3.2 million acres of BLM-administered lands for new National Parks, vehicular access to existing roads and virtually all resource production from those acreages would be eliminated. Several key desert mining operations would be severely impacted by encroaching National Parks land. No new grazing would be allowed when current permits expire.

Efforts are underway to inform the public of the impacts of the proposed legislation on exploration and development of natural resources at a time when the national trade imbalance is a significant threat to economic growth and when foreign sources of the country's essential minerals are becoming unreliable.

The current BLM plan, with its amendments process reflecting public input and compromise of various land use perspectives, recognizes the need for development of essential desert resources and recreation demands while adequately protecting a fragile environment and wildlife management.

THEY WANT TO KNOW

Decisions affecting the future of California's desert will be made in response to the communication to decision-makers.

Local officials will be taking official stands on the legislation. Members of Congress must vote on the bill.

Communicate directly with your decision-makers. For names and addresses, contact local Chambers of Commerce or libraries.

DID YOU KNOW???

S.7 would close 8.8 million acres in the California Desert Conservation Area to all motorized vehicles and commercial uses.

The present Desert Plan prepared by BLM proposes setting aside 1.9 million acres for wilderness preservation.

S.7 would take 3.2 million acres from BLM-administered lands to create a total of 5.7 million acres of new National Parks. National Park designation limits vehicular access to existing roads and precludes any resource development.

No new mineral leasing for oil and gas, geothermal and other mineral explorations is allowed in newly designated areas under S. 7.

S. 7 calls for an estimated one million acres of private and state holdings within parks and wilderness to be acquired, primarily through exchange, which would necessitate costly appraisal and negotiation efforts.

Desert communities speak out

Opposition to Senate Bill 7, the proposed desert protection act of 1987, is wide-ranging and includes representation from local governments, agricultural and business interests.

Leading resistance from government-related groups that have passed resolutions so far this year are organizations including the Inyo County Board of Supervisors, Victorville City Council, Northern California County Supervisors Association, Regional Council of Rural Counties and the National Association of Counties.

The State Board of Forestry has come out against SB 7 along with the California Cattleman's Association, California Desert Advisory Council, Bakersfield Advisory Council and Newberry Springs/Harvard Property Owners Association.

Opposition to Senate Bill 2061 in 1986 (reintroduced as SB 7 this year) came from 26 entities and individuals, who may be expected to repeat their stands in 1987. Elected officials hostile to the bill were Assemblyman Phillip D. Wyman, Congressman Jerry Lewis and State Sen. H.L. Richardson.

Resolutions against the legislation were passed in 1986 by boards of supervisors in the counties of Amador, Calaveras, Del Norte, El Dorado, Inyo, Mariposa, Mono, Nevada, Siskiyou, Sutter, Tehama, Tulare and Yuba.

California Wool Growers Association, California Cattleman's Association and High Desert Cattlemen's Association in Barstow were opposed to the new desert protection legislation last year as were Needles City Council, Southern California Regional Association of County Supervisors and the National Public Lands Advisory Council.

Also voting not to support the legislation were the California Chamber of Commerce, Searles Lake Gem and Mineral Society of Trona, Searles Valley Community Services Council and Ridgecrest Chamber of Commerce.

The Desert Conservation Institute and other multi-use groups, who object to the major changes the proposed bill would make in land uses on BLM-administered lands, are urging interested individuals to make communication a priority in their communities.

Taking the message to family members and friends, to civic clubs and church groups can translate into a stand on the bill at crucial government levels.

Unless local and concerned voices are clearly heard, preservationists will continue to claim that there is universal support of SB 7. A look at the dissenting list above shows that is certainly not the case.

GET THE FACTS

Facts on the existing desert land use management plan are available from the Bureau of Land Management throughout the state. For desert residents, the California Desert District office is located at 1695 Spruce Street, Riverside 92507, or call (714) 351-6394.

For analysis of impacts, contact desert-based mining companies, the Desert Conservation Institute through the California Mining Association at (916) 447-1977, the California Desert Coalition at 6192 Magnolia Ave., Suite D, Riverside 92506, (714) 684-6509 or impacted trade associations.

Desert Conservation Institute
California Mining Association
1010 11th St., Suite 213
Sacramento, CA 95814

WHAT WOULD WE DO WITHOUT BORON?

The world's need for borate materials is met primarily through California's large resources . The only other significant deposits are in Turkey.

Leading producers listed by the U.S. Bureau of Mines are American Borate Co., Kerr-McGee Chemical Corp. and U.S. Borax and Chemical Corp. which mine in California's desert.

Borates are essential in thermal-shock-resistent and other special glasses and are used increasingly in energy-saving products such as glass fiber reinforced plastics which reduce automobile weight.

Borates also are widely used in soaps and detergents, enamel and agricultural and biological products.

It is expected that the total U.S. borate demand will continue to grow at an average annual rate of 4 percent through 1990.

RESOLUTION OF WESTERN OIL AND GAS ASSOCIATION ON CALIFORNIA DESERT WILDERNESS LEGISLATION

WHEREAS, Senator Alan Cranston of California has introduced a bill entitled the California Desert Protection Act of 1987 (S. 7); and similar legislation has been introduced in the House by Rep. Mel Levine (H.R. 371), and by Reps. Lehman, Burton, Miller, Coelho, and Fazio, (H.R. 729); and

WHEREAS, these proposed bills would designate about 8.8 million acres of desert area in southeast California as wilderness, including 4.3 million acres managed by the Bureau of Land Management (BLM) and about 4.5 million acres managed by the National Park Service; and

WHEREAS, the wilderness areas designated under this proposed legislation would be closed to all motorized vehicles and commercial uses, including development of energy and mineral resources; and

WHEREAS, many of the desert areas included in these proposals are already covered under the California Desert Conservation Area Plan developed by the BLM, which initially identifies 5 1/2 million acres for possible wilderness status and eventually recommended that about 2 million acres be classified as wilderness; and

WHEREAS, the California Desert Coalition, made up of about 100 business, agriculture, tourism and recreation, and county government groups, has been organized to oppose this desert legislation because it prohibits multiple use on a vast area with known resource, recreational, and other business development potential; and

NOW, THEREFORE, BE IT RESOLVED that because the Western Oil and Gas Association endorses the concept of multiple use on those public lands with energy and resource potential, the Association supports the efforts of the California Desert Coalition in opposing S. 7, H.R. 371, and H.R. 729 and will be prepared to convey this position to members of Congress, and others who may be involved in this issue.

Passed and adopted by the Board of Directors the 20th day of May, 1987, in Los Angeles, California.

National Off-Road Bicycle Association's Presentation to U.S. Secretary of the Interior, Donald Hodel

Concerning Recreation Use of the California Desert, Los Angeles, California, April 30, 1987

Mountain bikes, the new fat-tired, 18-speed, lightweight bicycles, represent a technology which opens up countless desert roads and trails for human-powered recreation. Rapid growth in sales of mountain bikes will soon impact on the California Desert, and the National Off-Road Bicycle Association (NORBA) is concerned that the public continue to enjoy adequate trail access in the future.

Because mountain bikes can carry water and supplies, desert trips of 50 miles or more a day have become possible. Getting there under their own power, individuals and families can now visit remote scenic and historical sites with a feeling of accomplishment.

Eureka Valley and Sand Dunes, north of Death Valley, provide an example of desert exploring for mountain bikes. This area is part of the proposed Cranston Wilderness Plan which might preclude mountain bike exploring in the future.

For the last three years, my wife and I have led small groups of mountain bikers to this area on a trip we call "Dunes by Moonlight." We meet at midday on a week-end in Big Pine and cycle 50 miles east to the Eureka Dunes, 8 hours away. We ride the last 20 miles of dirt road in the quiet of the evening with a full moon rising over the dunes, an experience which creates a lasting impression on everyone involved. A naturalist joins our campfire to interpret the area's natural history, increasing our awareness of and appreciation for this part of the desert. In the morning, a few people hike to the top of the highest sand dune in California to admire the panorama of Eureka Valley before cycling back to Big Pine.

Because of the rapid growth of mountain biking and because of the California Desert's thousands of miles of potential cycling routes, NORBA feels it is essential for the public to have full access to the area. Present definitions of "Wilderness" exclude mountain bikes. We understand and support the need for conservation and feel that responsible cycling has one of the least impacts of any form of recreation on the natural environment. It is imperative that a way be found to preserve the public's access to the California Desert. NORBA supports upgrading *existing* desert plans and will work with interested parties to help create an optimum balance.

For further information contact: Donald C. Douglass, NORBA Representative, Route 2, Box 303, Bishop, CA 93514; (619) 387-2412.

CITY OF
VICTORVILLE

619-245-3411

14343 Civic Drive
Victorville, California 92392-2399

RECEIVED
APR 14 1987

April 10, 1987

The Honorable Alan Cranston
U. S. California Senator
United States Senate
New Senate Office Building
Washington, D. C. 20510

Dear Senator Cranston:

The purpose of this letter to to advise you of the City of Victorville's strong opposition to your pending proposed legislation in S 7 and the companion House of Representatives legislation known as H.R. 371, 361 and 729. At the regularly scheduled meeting held April 7, 1987, the City Council of the City of Victorville, California took testimony concerning this legislation and thereafter voted unanimously to strongly oppose this pending legislation.

We urge you to closely examine the end result of this proposed legislation which would, in effect, remove a significant portion of the high desert from private ownership, from the tax rolls, and would seriously limit the use and enjoyment of vast portions of the high desert. We believe that the legislation is ill conceived, inappropriate and contrary to the best interests of [illegible] us who live in the high desert.

Very truly yours,

Terry E. Caldwell

Terry E. Caldwell
Mayor

TEC:ds

cc: Assemblyman Bill Leonard
Senator H. L. Richardson
Members of the City Council
James L. Cox, City Manager
Gerda Feldmann

Regional
Council of
Rural
Counties

1121 "L" Street
Suite 508-A
Sacramento, California
95814
(916) 447-4806

PRESIDENT
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FIRST VICE PRESIDENT
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JAMES "JACK" SWEENEY
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MARCIA L. BASQUE
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Executive Secretary
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Lassen
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Mariposa
Mendocino
Modoc
Mono
Nevada
Placer
Plumas
San Benito
Sierra
Siskiyou
Tehama
Tuolumne

RESOLUTION ON CALIFORNIA DESERT CONSERVATION AREA

RESOLUTION NO. 87-2

After careful consideration and due deliberation, the Directors of the Regional Council of Rural Counties, upon motion made and duly seconded, unanimously adopted the following Resolution:

WHEREAS, the Regional Council of Rural Counties is a quasi-public organization comprised of Supervisors from the following 21-member counties: Alpine, Amador, Calaveras, Colusa, Del Norte, El Dorado Inyo, Lassen, Madera, Mariposa, Mendocino, Modoc, Mono, Nevada, Placer, Plumas, San Benito, Sierra, Siskiyou, Tehama and Tuolumne; and

WHEREAS, RCRC declares that the rural counties of California are facing extreme financial distress, and their economies are heavily dependent on resource-based industries; and

WHEREAS, the California Desert Conservation Area (CDCA) is a vast land area of 25 million acres consisting of three major desert ecosystems; the Mojave Desert, the Sonoran Desert, and the Great Basin Desert. The Bureau of Land Management (BLM) has jurisdiction over approximately one-half of the land in the CDCA, or about 12.5 million acres, and

WHEREAS, under BLM management, the California Desert today probably constitutes one of the finest examples of multiple use management for Federal lands available in the Western states, and

WHEREAS, with the passage of the Federal Land Policy and Management Act in 1976 in Congress, and its mandate that a California Desert Plan be created by 1980, the BLM, with 50,000 responses from the public representing every possible segment of society, met the proposed deadline, and

WHEREAS, the Secretary of the Interior expressed the belief that the Desert Plan was "one of the most far-reaching regional plans ever undertaken in the United States. It is a multiple use plan that reflects an unprecedented amount of public input and involvement," and

WHEREAS, the Los Angeles Times, in an editorial endorsing the plan, said "The plan appears to protect the interest of preservationists, while recognizing needs of miners, ranchers, and utility companies. It is a balanced plan no one group will be entirely happy with and that's a good sign," and

WHEREAS, Senator Alan Cranston of California has introduced a bill entitled "California Protection Act of 1987," and similar bills have been introduced in the House; and

WHEREAS, the bill proposes three new parks that would total 5.71 million acres with 3.05 million acres taken from the existing Congressionally designated California Desert Conservation Area managed by the Bureau of Land Management, and another 4.5 million acres of public lands be automatically established as a wilderness and managed by BLM, and the total area proposed for wilderness or inclusion into existing or new national parks is more than 9.4 million acres; and

WHEREAS, the Bill proposes that of the 12.1 million acres currently managed for the public by BLM, only 4.6 million acres remain available for multiple use such as hunting, mining, grazing and motorized recreation, and 7.5 million placed in wilderness or parks. However, the Bill then directs that the 4.6 million remaining public use acres to be used as trading stock for blocking up for more parks and wilderness areas, and

WHEREAS, the Bill proposes that the current Death Valley National Monument, almost entirely within the boundaries of Inyo County, already over 2 million acres, would be designated a National Park and expanded to 3.4 million acres of which 1.3 million acres would come from BLM public lands. The wilderness portion of the Death Valley Park will consist of 3.2 million acres, and

WHEREAS, the Bill proposes one entirely new national park, Mojave National Park, of 1.5 million acres, which would come from BLM public lands; redesignate Joshua Tree National Monument, expanding it to 805,000 acres; and designate 3.9 million acres of national park wilderness in these three parks of which 1.6 million acres would come from BLM public lands, and

WHEREAS, the Bill, in proposing to establish three national parks within the already designated California Desert Conservation Area, will withdraw many of these lands from many other important uses under the public land laws and the mining laws, such as for mining leases and from Geothermal Steam Act leasing, and

WHEREAS, the Bill discusses protection of grazing rights which may be located within the proposed national parks; but says that "upon expiration of the current term of such (grazing) permits, the permits shall not be renewed," and

WHEREAS, the Desert Plan stressed the multiple use concept and called for setting aside certain special areas for particular protection such as 700,000 acres for Areas of Critical Environmental Concern (ACED) and 5.5 million acres of wilderness study areas of which approximately 2 million have been preliminarily recommended as suitable. The wilderness designation process is continuing as part of the planning process whereby Congress, with ample opportunity for public input, will decide on the proper mix of wilderness, and

WHEREAS, the Bill would drastically limit multiple use of the desert by tourists, miners and for grazing in the rural counties, and would drastically affect the land use of almost all of the California desert counties, and

WHEREAS, the Federal government, through BLM, has already spent a great deal of money, time and energy in developing the California Desert Plan with the participation of all desert users, including the environmental groups, local governments and others, and

NOW, THEREFORE, BE IT RESOLVED by the Directors of the Regional Council of Rural Counties that it reaffirms its opposition to the proposed California Desert Protection Act of 1987, in its present form, introduced by Senator Alan Cranston, as well as similar legislation pending in the House; and

BE IT FURTHER RESOLVED that the Directors of the Regional Council of Rural Counties further reaffirms its support for the efforts of the Bureau of Land Management in the development of the California Desert Plan in the California Desert Conservation Area and the multiple use concepts therein, and be it further

RESOLVED, that copies of this Resolution be forwarded to both U.S. Senators from California, the Congressional delegation from California, appropriate Federal and State Representatives, and other desert user organizations deemed appropriate by the RCRC staff.

ADOPTED BY THE BOARD OF DIRECTORS OF THE REGIONAL COUNCIL OF RURAL COUNTIES AT ITS REGULAR PUBLIC MEETING HELD IN SACRAMENTO, CALIFORNIA ON THURSDAY, JANUARY 22, 1987.

ATTEST	APPROVED
Lori Morris	Burt Bundy
Lori Morris Executive Secretary	Burt Bundy President

Board of Supervisors
County of San Bernardino

JOHN JOYNER
CHAIRMAN
SUPERVISOR FIRST DISTRICT

April 27, 1987

The Honorable Alan Cranston
United States Senator, California
Senate Office Building, Room 112
Washington, D.C. 20510

Re: S. 7 - California Desert Protection Act

Dear Senator Cranston:

In reviewing both S. 7 and responses from various interest groups, it is obvious that, while the bill provides a high level of resource protection, it will also impose significant constraints on land-uses and users. The great majority of agencies and organizations within the First Supervisorial District of San Bernardino County adamahtly oppose this legislation. As Chairman of the Board, I have refrained from taking a position or asking the County Board of Supervisors to do so until I have had an opportunity to filter through the speculation on its implications and focus on the facts.

Currently, I have serious concerns with certain provisions of this bill that affect San Bernardino County: this sweeping legislation appears to displace the significant BLM role in the California Desert Conservation Area that has advanced with credibility and competency in the past years; it also negates the time and research that have been invested in the formation of the Federal Land Policy and Management Act and the resulting CDCA Plan and its implementation.

Any deficiencies in BLM planning and management can and should be dealt with, but not, it seems to me, through such all-encompassing legislation which recreates that classic desert-use confrontation of the late 1960's and early 1970's. Many people thought this conflict was largely resolved because many of the compromises have proven adequate to maintain a balanced approach to desert use and protection.

In a recent discussion with Congressman Jerry Lewis, I found that he shares many of my concerns and is considering introducing legislation that will maintain the benefits of the previous compromises and add some needed improvements. This may prove to be a more positive approach that I can support.

San Bernardino County Government Center • 385 North Arrowhead Avenue • San Bernardino, CA 92415-0110 • (714) 387-4830

Accordingly, I have directed my staff to meet with individual representatives of the various affected user groups to better quantify S. 7's provisions and discern which implications are "real" or just "perceived"; to determine which elements of the bill would improve management of the portion of the CDCA within San Bernardino County; to work with BLM staff in adjusting the County General Plan and policies to better protect resources and manage land-uses on private lands within the CDCA, specifically in the East Mojave Scenic Area; to work with your staff and Congressman Lewis' office in possibly negotiating a package supported by a greater consensus, either via amendments to the CDCA plan or through legislation consistent with Congressman Lewis' approach; and to prepare a position statement for action by the Board of Supervisors.

We would appreciate your participation in this effort by designating a staff member from your office whom we may contact for information and consultation.

Sincerely,

John Joyner

JOHN JOYNER
Chairman, Board of Supervisors
Supervisor, First District

SEARLES VALLEY COMMUNITY SERVICES COUNCIL
POST OFFICE BOX 443
TRONA, CA 93562
(619) 372-4747

RESOLUTION 0422-1

The Searles Valley Community Services Council is a non-profit organization formed to act as a community action and planning council for the Searles Valley area.

WHEREAS, the Federal Land Policy and Management Act of 1976 requires the preparation and completion of a comprehensive long-range plan for the management, multiple use, development and protection of the public lands within the California Desert Conservation Area; and

WHEREAS, the Wilderness act of 1964 set the criteria for determining the roadless areas of Public Lands; and

WHEREAS, this Act provided for development of a management plan for the California Desert Conservation Area; and,

WHEREAS, FLPMA further directs the Bureau of Land Management to inventory and study all public lands for wilderness values, including mineral surveys, recreational potential and report its recommendation to Congress for final decisions on wilderness designations; and,

WHEREAS, the evaluations and preparation of these reports is not yet completed, and the United States Congress has set the year 1991 as the year by which these reports and recommendations are to be submitted; and,

WHEREAS, this council, realizing the purpose of the FLPMA Act had, in 1977, set up a study committee to assist the Bureau of Land Management in the studies, and had proposed 85,000 acres of prime wilderness areas mostly in the Inyo County area; and,

WHEREAS, this committee did an honest, thorough and comprehensive study of the wilderness potentials in the area including all phases of interests; and,

WHEREAS, the findings of this committee were well received by the Bureau of Land Management; and,

WHEREAS, S Bill 2061, suddenly appeared in the Federal Register on February 6, 1986 setting forth 81 additional wilderness areas, which completely ignored the years of study; and,

WHEREAS, such Act could provide for hundreds of thousands of acres of lands being placed into a Desert Wilderness that could restrict the use to a degree that would not allow for the multiple use concept of the resources of the area; and,

WHEREAS, many of the proposed 81 wilderness areas do have road access, lack qualities required for wilderness, and contain mineral potentials essential to the economy of the country, which could place most of the free world's rare earths as well as other strategic and necessary materials in jeopardy; and,

WHEREAS, the introduction of S. 2061 violates the established democratic processes which should include input from all the public, and is premature, ill conceived and contains many proposed actions which have been previously reviewed by Congress and/or thoroughly evaluated over the four years of planning for the California Desert Conservation Area and rejected for good reason; and,

WHEREAS, local government had not been contacted and explanatory maps have not been furnished to the public as required; the only maps being prepared by conservation groups with special interests, most of whom are not familiar with the areas involved; and,

WHEREAS, the cost of implementing and maintaining S 2061 will be prohibitive,

NOW, THEREFORE, BE IT RESOLVED, that this Council has grave concerns for the sudden change in the years of study completed by persons familiar with the area to insure a multiple use plan as required by FLPMA and the need to insure that this plan is not in violation by restricting the multiple use concepts in the area and that the road system, as well as public roads in the area are clearly recognized and preserved for the use of the general public as well as mining and recreational activities;

BE IT FURTHER RESOLVED, that as the U. S. Department of Interior, Bureau of Land Management, develops plans for the California Desert Conservation area, such plans shall be approved by the local governments so adversely affected by decisions as set forth in S. 2061;

BE IT FURTHER RESOLVED, the California Desert Conservation Area/California Desert District Advisory Board urge the Congress of the United States to reject SB 2061 in total;

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the U. S. Senators, Congressmen and the U. S. Department of Interior.

The above Resolution was passed by motion at the Searles Valley Community Services Council's regular meeting of April 22, 1986 with 57 members present. There was one opposing vote.

Jerry R Williams
Jerry Williams, President

Doris Bray
Doris Bray, Executive Director

Joe Ryan
Joe Ryan, 1st Vice President

Vi Swann
Vi Swann, Secretary

William W. Merk
William W. Merk, 2nd Vice President

Adeline E. Simpson
Adeline Simpson, Treasurer

HIGH DESERT CATTLEMEN'S ASSOC.
30061 HIGHWAY 91 256-8622
BARSTOW, CALIF. 92311

RESOLUTION

WHEREAS the Congress of the United States passed on October 1976 the Federal Land Policy and Management Act by Senator Alan Cranston and others, which emphasized resource protection within continued multiple use of the lands, and

WHEREAS the Congress further directed that these principles be guided by the implementation of a comprehensive land use plan developed with the broad involvement of all segments of the public, and

WHEREAS this Act contained special provisions which created the California Desert Conservation Area, and

WHEREAS this Act provided for development of a management plan for the California Desert Conservation Area, to include both protection and continued multiple use, and

WHEREAS a management plan was developed which recognized those special resource areas and values within the California Desert Conservation Area, and

WHEREAS this plan was approved by both the Carter and Reagan administrations, and

WHEREAS FLPMA further directs the Bureau of Land Management to inventory and study all public lands for wilderness values, including mineral surveys, and reports its recommendations to Congress for final decisions on wilderness designations; and

WHEREAS the evaluations and preparations of these reports is not yet completed, and

WHEREAS the United States Congress set the year 1991 as the year by which these reports and recommendations should be brought to them, and

WHEREAS United States Senator Alan Cranston at the request of 21 preservation groups has introduced in the Senate S. 2061, and

HIGH DESERT CATTLEMEN'S ASSOC.
30061 HIGHWAY 91 256-8622
BARSTOW, CALIF. 92311

WHEREAS S. 2061 would designate 81 wilderness areas without complete evaluation, and

WHEREAS many of the proposed 81 wilderness areas are roaded and lacking in those qualities required for wilderness, and

WHEREAS S. 2061 would create a 1.5 million acre Mojave National Park, a concept thoroughly studied during the California Desert Conservation Area planning process and rejected, and

WHEREAS S. 2061 would add 1.3 million acres from the California Desert Conservation Area to Death Valley National Monument, land reviewed by Congress and rejected as part of the planning process, and

WHEREAS S. 2061 would add 245,000 acres from the California Desert Conservation Area to Joshua Tree National Monument, land reviewed by Congress and rejected because of their enormous mineral values, and

WHEREAS S. 2061 would convert Death Valley National Monument and Joshua Tree National Monument to National Park Status, and

WHEREAS S. 2061 could put most of the free world's rare earths as well as other strategic and necessary minerals in jeopardy. and

WHEREAS S. 2061 would eliminate most ranching in the California Desert Conservation Areas, and

WHEREAS S. 2061 could place additional economic handicaps on private land owners, many small communities and rural counties, and

WHEREAS S. 2061 would limit access to 9.4 million acres of lands thus severely impacting recreational activities of all kinds, and

HIGH DESERT CATTLEMEN'S ASSOC.
30061 HIGHWAY 91 256-8622
BARSTOW, CALIF. 92311

WHEREAS S. 2061 would negatively impact general aircraft flights and has the potential for impacting commercial and military flights, and

WHEREAS S. 2061 would be costly to implement at the time when budget cuts are limiting services, and

WHEREAS the introduction of S. 2061 violates established democratic processes which should include input from all the publics, and

WHEREAS S. 2061 is premature, ill conceived and contains many proposed actions which have been previously reviewed by Congress and/or thoroughly evaluated over the four years of planning for the California Desert Conservation Area and rejected for good reason, and

NOW THEREFORE BE IT RESOLVED the High Desert Cattlemen's Association urges the Congress of the United States to reject S. 2061 in total

Charleen Mitchell

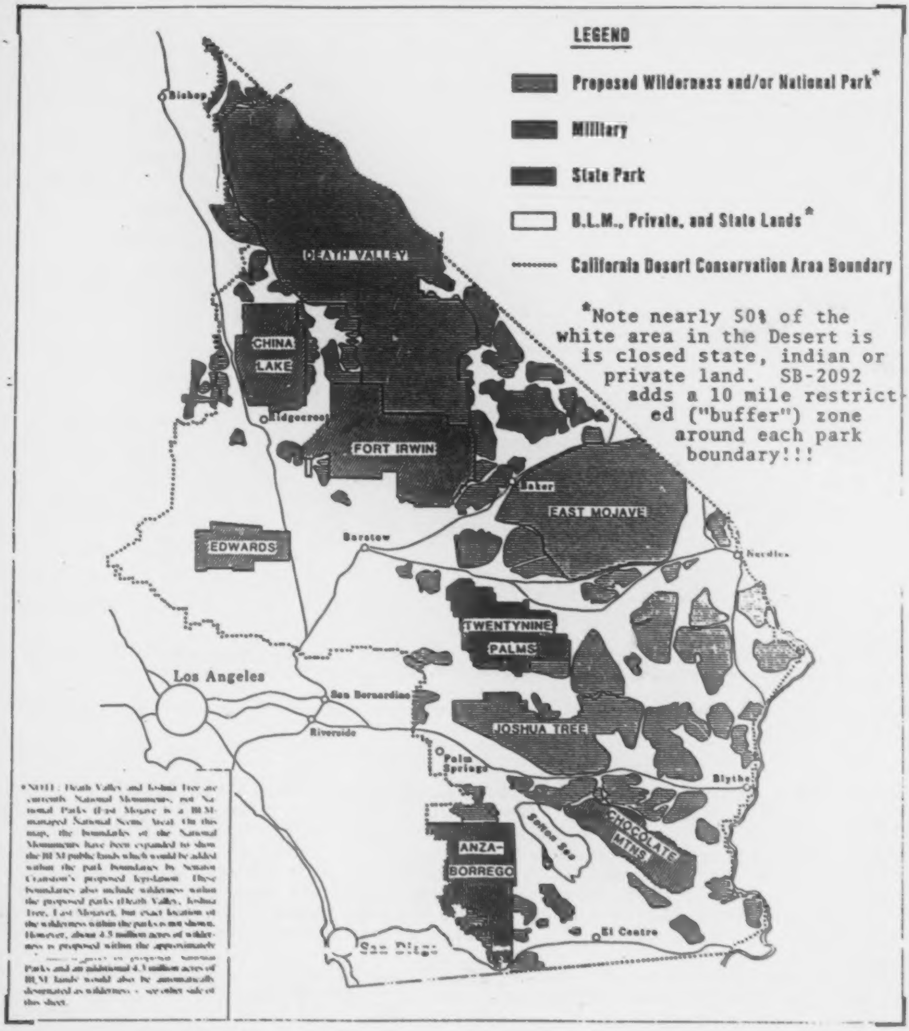
CHARLEEN MITCHELL
Secretary
High Desert Cattlemen's Assoc.

dl/CLM

ALERT: THE DESERT IS ABOUT TO BE CLOSED TO GENERAL PUBLIC USE SB 2061 and SB 2092 WILL LOCKUP ABOUT 90% OF THE CALIFORNIA DESERT'S PUBLIC LAND.

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT

(CRANSTON BILL S-2061)


LEGEND
▬ Proposed Wilderness and/or National Park*
▬ Military
▬ State Park
☐ B.L.M., Private, and State Lands*
········ California Desert Conservation Area Boundary
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
Baker
EAST MOJAVE
Barstow
EDWARDS
Needles
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
Palm Springs
Blythe
Salton Sea
CHOCOLATE MTNS.
ANZA-BORREGO
El Centro
San Diego

*Note nearly 50% of the white area in the Desert is is closed state, indian or private land. SB-2092 adds a 10 mile restricted ("buffer") zone around each park boundary!!!

*NOTE: Death Valley and Joshua Tree are currently National Monuments, not National Parks (East Mojave is a BLM-managed National Scenic Area). On this map, the boundaries of the National Monuments have been expanded to show the BLM public lands which would be added within the park boundaries by Senator Cranston's proposed legislation. These boundaries also include wilderness within the proposed parks (Death Valley, Joshua Tree, East Mojave), but exact location of the wilderness within the parks is not shown. However, about 4.5 million acres of wilderness is proposed within the approximately [illegible] in proposed National Parks and an additional 4.3 million acres of BLM lands would also be automatically designated as wilderness — see other side of this sheet.

PLEASE POST OR PASS ON TO A FRIEND

FACT SHEET ON CDCA WILDERNESS/PARK EXPANSION

The following shows the affect of the proposed Cranston Bill (SB-2061) in the California Desert Conservation Area (CDCA).

PROPOSED PARKS		
A. PROPOSED JOSHUA TREE NATIONAL PARK		805,000
1) Existing Joshua Tree Monument Acres	560,000	
2) BLM Public Lands	245,000	
	805,000	
B. PROPOSED DEATH VALLEY NATIONAL PARK		3,400,000
1) Existing Death Valley Monument Acres (CA)	1,957,000	
2) BLM Public Lands	1,443,000	
	3,400,000	
C. PROPOSED EAST MOJAVE NATIONAL PARK		1,500,000
1) Existing National Monument/Park Acres	0	
2) BLM Public Lands	1,500,000	
	1,500,000	
	SUBTOTAL	5,705,000

The current 2.5 million acres of monuments would be expanded to three new parks totaling 5.7 million acres. The 3.2 million acre addition would come from BLM lands. (Includes some state and private land.)

INSTANT WILDERNESS		
A. WILDERNESS IN PROPOSED PARKS		
1) Joshua Tree Acres	563,000	
2) Death Valley Acres	3,200,000	
3) East Mojave Acres	748,000	
	4,511,000	
B. WILDERNESS OUTSIDE PROPOSED PARKS		4,302,000
1) BLM Wilderness Study Area Acres	3,704,000	
2) Other BLM Acres	598,000	
	4,302,000	
	TOTAL	10,007,000

SUMMARY

The proposed bill provides for 10 million acres of park/wilderness expansion. The National Park Service would manage 5.7 million acres of new parks (4.5 million acres in wilderness) and BLM would manage another 4.3 million acres of wilderness outside the new parks.

DESERT USERS BEWARE----the ENVIRONMENTAL CRAZIES have talked Senator CRANSTON into proposing a bill(SB 2061) that would close most of the CALIFORNIA DESERT to public use. WHEN AN AREA BECOMES WILDERNESS or NATIONAL PARK you can't freely drive or camp ---"smokey the ranger" must "manage" your every step... no driving off the "DESIGNATED PAVED ROADS" or picking up rocks without special permission. Note most of Death Valley Nat'l Monument has been made wilderness so that 95% is closed to the public. Even though your vehicle is your life-support system in the desert---virtually all dirt roads will be closed!...

WRITE, PHONE or COMPLAIN IN PERSON TO: Senator CRANSTON--5757 W. Century Blvd. Los Angeles 90045(213-215-2186) Also Senator Pete Wilson, 11111 Santa Monica Blvd.#515, Los Angeles 90025(213-556-4307) Also call your local Congressman: ie...Bob Badham 714-644-4040; Bill Dannemeyer 714-992-0141; or Bob Dornan 714 971-9292. TELL THEM YOU OPPOSED SB 2061

CALIFORNIA CATTLEMEN'S ASSOCIATION

JOHN LACEY
PRESIDENT
PASO ROBLES

JIM TIMMONS
[illegible]

JOHN W ROSS
[illegible]

GEORGE SCOVEL
[illegible]

CCA

TELEPHONE 444-0845 (AREA CODE 916)
1221 H STREET
SACRAMENTO, CALIFORNIA
ZIP CODE 95814

[illegible]
FLOYD GREGORY
[illegible]
LESS GUTHRIE
JACK SPARROWK

NCA

April 24, 1986

The Honorable Alan Cranston
The United States Senate
Senate Office Building
Washington, D.C. 20510

Dear Senator Cranston:

The California Cattlemen's Association, a statewide organization of approximately 3500 beef cattle producers, many of whom operate livestock ranches on the California desert are adamantly opposed to S-2061 known as the California Desert Protection Act of 1986.

This organization in concert with many other interests worked with the Bureau of Land Management to develop the California Desert Conservation Area Plan. The plan, as you must know, was the result of a Congressional mandate for the long-range protection and management of the desert resources. The Plan was implemented by the BLM in 1980 and its results in protecting the desert resources have been very good. By all measures, S-2061 would discard this time-tested, effective plan for a very ambitious and expensive land lock-up proposal.

Your proposed legislation will effectively force all livestock operations from the desert since current grazing permits would not be renewed when they expire. Those who have livestock operations on the desert have the kind of cattle adapted to desert conditions, and neither the cattle nor the management techniques are transferable to other geographical areas. We feel it is grossly unfair to force these individuals out of business.

We also believe your proposal will do great damage to the economy of the many desert communities who rely upon the livestock industry, mining industry and the recreational industry for goods and services. S-2061 will, in a large part, eliminate or drastically curb these industry activities.

Finally, we cannot see any justification for including an additional 4.5 million acres in wilderness classification. The 4.5 million acres coupled with the existing wilderness would place 10% of California's land surface in wilderness, a perpetual land "lock-up".

The current California Desert Conservation Area administered by the Bureau of Land Management is providing the required protection of desert resources, is providing recreational opportunities to the public and is providing an economic base for local economy through mining and grazing activities. We can see no reason to discard the current system for your proposal which we feel would be very expensive to implement and to administer. To that end, we urge you to drop S-2061 from further consideration.

Sincerely,

John W. Lacey
John W. Lacey, President
California Cattlemen's Association

Joe Harris
Joe Harris, Chairman
CCA Public Lands Committee

cc: Senator Pete Wilson
CCA Public Lands Committee
Ron Michieli
Ed Hastey

se

RIDGECREST
Chamber of Commerce

301 South China Lake Boulevard
P. O. Box 771, Ridgecrest, California 93555-0771
Telephone: (619) 375-8331

RESOLUTION

WHEREAS, the Congress of the United States passed in October 1976 the Federal Land Policy and Management Act by Senator Alan Cranston and others, which emphasized resource protection within continued multiple use of the lands, and

WHEREAS, the Congress further directed that these principles be guided by the implementation of a comprehensive land use plan developed with the broad involvement of all segments of the public; and

WHEREAS, this Act contained special provisions which created the California Desert Conservation Area, and

WHEREAS, this Act provided for development of a management plan for the California Desert Conservation Area to include both protection and continued multiple use, and

WHEREAS, a management plan was developed which recognized those special resource areas and values within the California Desert Conservation Area and,

WHEREAS, this plan was approved by both the Carter and Reagan administrations, and

WHEREAS, FLPMA further directs the Bureau of Land Management to inventory and study all public lands for wilderness values, including mineral surveys, and report its recommendations to Congress for final decisions on wilderness designations; and

WHEREAS, the evaluations and preparation of these reports is not yet completed, and

WHEREAS, the United States Congress set the year 1991 as the year by which these reports and recommendations should be brought to them and,

WHEREAS, United States Senator Alan Cranston at the request of 21 preservations groups has introduced in the Senate S. 2061, and

WHEREAS, S. 2061 would designate 81 wilderness areas without complete elevation, and

WHEREAS, many of the proposed 81 wilderness areas are roaded and lacking in those qualities required for wilderness, and

WHEREAS, S. 2061 would create a 1.5 million acre Mojave National Park, a concept thoroughly studied during the California Desert Conservation Area planning process and rejected, and

WHEREAS, S. 2061 would add 1.3 million acres from the California Desert Conservation Area to Death Valley National Monument, a concept also studied and rejected as part of the planning process, and

WHEREAS, S. 2061 would add 245,000 acres from the California Desert Conservation Area to Joshua Tree National Monument, land reviewed by Congress and rejected because of their enormous mineral values, and

WHEREAS, S. 2061 would convert Death Valley National Monument and Joshua Tree National Monument to National Park Status, and

WHEREAS, S. 2061 could put most of the free world's rare earths as well as other strategic and necessary minerals in jeopardy, and

WHEREAS, S. 2061 would eliminate most ranching in the California Desert Conservation Area, and

WHEREAS, S. 2061 could place additional economic handicaps on private land owners, many small communities and rural counties, and

WHEREAS, S. 2061 would limit access to 9.4 million acres of lands thus severely impacting recreational activities of all kinds, and

WHEREAS, S. 2061 would negatively impact general aircraft flights and has the potential for impacting commercial and military flights, and

WHEREAS, S. 2061 would be costly to implement at a time when budget cuts are limiting services, and

WHEREAS, the introduction of S. 2061 violates established democratic processes which should include input from all the publics, and

WHEREAS, S. 2061 is premature, ill conceived and contains many proposed actions which have been previously reviewed by Congress and/or thoroughly evaluated over the four years of planning for the California Desert Conservation Area and rejected for good reason, and

NOW THEREFORE BE IT RESOLVED, the Ridgecrest Chamber of Commerce urges the Congress of the United States to reject S. 2061 in total.

Signed; Nellavan Leckey
President

Nellavan Leckey

Sam

BOARD of SUPERVISORS

Chairman
CLYDE R. GOULD
District One

Vice Chairman
BEN E. WEBB
District Five

JOHN R. CONWAY
District Two

LORIE MANGINE
District Three

LEROY SWINEY
District Four

Clerk of the Board
JOHN C. McCLURE II
County Executive/
Clerk of the Board

GEORGIA SOUZA
Chief Clerk

ADMINISTRATION BUILDING
COUNTY CIVIC CENTER
2800 WEST BURREL
VISALIA, CA 93291

(209) 733-6271

May 16, 1986

U.S. Senator Alan Cranston
Senate Office Building, Room 542
Washington, D.C. 20510

RE: Proposed Senate Bill S.2061, "The California Desert Protection Act of 1986"

Dear Senator Cranston:

It was recently brought to this Board's attention that you have introduced in the United States Senate the above identified bill.

In our review of S.2061, we were surprised to find that the bill proposed extensive acreage of wilderness in Tulare County without stating precisely where these acreages lie. Based on language in the bill, four of the 82 wilderness areas may significantly affect Tulare County. Proposed wilderness area names such as "Chimney Peak," "Owens Peak," or "Sacatar Trails" all correspond to locally known areas in the southeast corner of Tulare County in what is called Kennedy Meadows. The bill also notes that these proposed wilderness areas lie wholly or partially within the Bakersfield District of the Bureau of Land Management, of which the southeasterly portion of Tulare County is a part. Without more detailed maps, we assume Tulare County will be impacted by these wilderness designations.

Admittedly, the area of Tulare County that is likely to be affected by S.2061 is proportionately small when compared to the remaining California Desert Conservation Area. But when compared to the area of Tulare County, and given that one-fourth of the federal lands in Tulare County are already designated as wilderness, the area is large. Furthermore, this southeastern corner of the County contains 16,000 acres of privately owned lands which might ultimately be completely surrounded by the proposed wilderness. This could dramatically affect our current planning efforts in the area. Many of the property owners in this area, a majority of whom reside in the southern California area, are quite concerned about the wilderness proposal, and have expressed opposition to it.

Attached is a resolution unanimously adopted by the Tulare County Board of Supervisors opposing S.2061. The resolution sets forth the numerous reasons for our opposition including the fact that no consultation occurred with affected local governments prior to the bill's introduction. We will appreciate greater communication on such matters in the future.

Sincerely,

TULARE COUNTY BOARD OF SUPERVISORS

Clyde R. Gould

Clyde R. Gould
Chairman

cc: County Executive
County Counsel
Building and Planning Department
Congressman Pashayan
Kennedy Meadows Property Owners Association
Inyo County Board of Supervisors
Bureau of Land Management, Bakersfield District

BEFORE THE BOARD OF SUPERVISORS

COUNTY OF TULARE, STATE OF CALIFORNIA

RESOLUTION IN OPPOSITION)
TO "CALIFORNIA DESERT)
PROTECTION ACT OF 1986".)

RESOLUTION NO. 86 0592

WHEREAS, Senator Alan Cranston of California has introduced a bill entitled "California Protection Act of 1986" (the Bill), S.2061, and

WHEREAS, the Bill proposes three new parks that would total 5.71 million acres with 3.05 million acres taken from the existing Congressionally designated California Desert Conservation Area managed by the Bureau of Land Management (BLM), and

WHEREAS, the Bill proposes another 4.5 million acres of public lands be automatically established as wilderness and be managed by BLM, and

WHEREAS, the total area proposed for wilderness or inclusion into existing or new national parks is more than 9.4 million acres, and

WHEREAS, the proposed bill creates 82 separate wilderness areas, and

WHEREAS, approximately fifty-one percent of Tulare County is held in federal ownership, and

WHEREAS, approximately one-fourth of the federal lands in Tulare County are already designated as wilderness, including the Golden Trout Wilderness, the Dome Land Wilderness, and the South Sierra Wilderness, and

WHEREAS, the proposed bill will create significant additional wilderness area in Tulare County, and

WHEREAS, the exact boundaries of the 82 wilderness areas set forth in the bill will not be known until the legislation is enacted, as no precise maps have been made generally available to the public and governmental agencies who will be affected by this proposal, and

WHEREAS, the conscious lack of specificity in the bill in identifying the proposed wilderness areas is inappropriate and constitutes a "blank check" approach to wilderness designation, and

WHEREAS, the Bill proposes that of the 12.1 million acres currently managed for the public by BLM, only 4.6 million acres remain available for multiple use such as hunting, mining, grazing and motorized recreation, and 7.5 million placed in wilderness or parks. However, the Bill then directs that the 4.6 million remaining public use areas to be used as trading stock for blocking up for more parks and wilderness areas, and

WHEREAS, the Bill proposes that the current Death Valley National Monument, already over 2 million acres, would be designated a National Park and expanded to 3.4 million acres of which 1.3 million acres would come from BLM public lands. The wilderness portion of the Death Valley Park will consist of 3.2 million acres, and

WHEREAS, the Bill proposes one entirely new national park, Mojave National Park of 1.5 million acres which would come from BLM public lands; redesignate Joshua Tree National Monument expanding it to 805,000 acres; and designate 3.9 million acres of national park wilderness in these three parks of which 1.6 million acres would come from BLM public lands, and

WHEREAS, the Bill, in proposing to establish three national parks within the already designated California Desert Conservation Area, will withdraw many of these lands from many other important uses under the public land laws and the mining laws, such as for mining leases and from Geothermal Steam Act leasing, and

WHEREAS, the Bill will require that every unpatented mining claim located within the boundaries of the proposed parks must have a validity test completed two years after passage of the Bill. The estimated cost of purchasing any existing patented mining claims must also be provided Congress within that two year period, and

WHEREAS, the Bill discusses protection of grazing rights which may be located within the proposed national parks; but says that, "upon expiration of the current term of such (grazing) permits

WHEREAS, the Bill provides as national parks, the three proposed sites in the California Desert - - Mojave National Park, Joshua Tree National Park and Death Valley National Park - - will follow the tradition of other national parks by charging entry fees. Also, new public funds will have to be appropriated in the federal budget to construct extensive public facilities, such as a visitors' center in the Mojave National Park and to provide for additional staffs. The proposed Bill says, "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title," and

WHEREAS, the passage of the Federal Land Policy and Management Act of 1976 included a congressional mandate to BLM to begin planning for protecting and managing the resources of the California Desert Conservation Area under a multiple use concept, i.e., using the lands for mining, wilderness, recreation, grazing, as well as for the scenic beauty and cultural resources of the area, and

WHEREAS, in 1980, the California Desert Plan was completed on time through a great amount of public participation, including that of the affected counties, in developing a draft plan and draft EIS, and a final EIS and final plan. Environmental, cultural, mining, recreation and ranching organizations, among others, all participated, and

WHEREAS, over 18,000 copies of the draft Desert Plan were distributed for public review and comment in 1979. Twelve hearings and workshops were attended by over 900 people. Nearly 9,000 written responses, containing over 40,000 individual comments were received. The public Desert Advisory Council, the BLM and the public developed the final plan over a five year period, and

WHEREAS, the Desert Plan stressed the multiple use concept and called for setting aside certain special areas for particular protection such as 700,000 acres for areas of critical environmental concern (ACED) and 5.5 million acres of wilderness study areas of which approximately 2 million have been preliminarily recommended as suitable. The wilderness designation process is continuing as part of the planning process whereby

Congress, with ample opportunity for public input, will decide on the proper mix of wilderness, and

WHEREAS, the Desert Plan was approved by then Secretary of Interior, Cecil Andrus, and reaffirmed later by the Secretary of Interior under the current administration, putting the Desert Plan in the unique position of having been endorsed by two Secretaries of Interior under two administrations, one Democratic and one Republican. The BLM conducts an annual amendment process which includes an annual EIS, and

WHEREAS, neither Senator Cranston, nor his staff, consulted with any representative of Tulare County or any of its staff before introducing the Bill, and

WHEREAS, Tulare County presently has a major planning effort underway for the affected region of Tulare County which will be severely impacted by this proposal, and

WHEREAS, we are informed that no local governments, nor their staffs in California, were consulted by Senator Cranston or his staff before introducing the Bill, and

WHEREAS, the Bill would drastically limit multiple use of the desert by tourists, miners and for grazing, and

WHEREAS, we are informed that Senator Cranston and his staff consulted with environmental groups approximately one (1) year prior to the Bill's introduction, and

WHEREAS, we are informed that desert user organizations, such as the California Mining Association, cattlemen organizations, American Motorcycle Association and others, were not consulted prior to the introduction of the Bill, and

WHEREAS, the Bill would drastically affect the land use of almost all of the California desert counties, and

WHEREAS, the federal government, through the BLM, has already spent a great deal of money, time and energy in developing the California Desert Plan with the participation of all desert users, including the environmental groups, local governments and others

NOW, THEREFORE, BE IT RESOLVED, that the Tulare County Board of Supervisors opposes S.2061 (California Desert Protection Act of 1986) in its present form, and

BE IT FURTHER RESOLVED that the Tulare County Board of Supervisors supports the efforts of the BLM in the development of California Desert Plan in the California Desert Conservation Area and the multiple use concepts therein, and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to both U.S. Senators from California, the Congressional Delegation from California, appropriate State representatives, County Supervisors Association of California, Regional Council of Rural Counties, and other organizations as designated by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Tulare, State of California, this 29th day of April, 1986, by the following vote:

AYES: Supervisors Gould, Conway, Mangine, Swiney and Webb
NOES: None
ABSENT: None

Clyde R. Gould
CLYDE R. GOULD, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST: JOHN C. MCCLURE II,
COUNTY EXECUTIVE/CLERK, BOARD
OF SUPERVISORS

BY Irene Petersdorf
DEPUTY

SEARLES LAKE GEM & MINERAL SOCIETY, INC.
POST OFFICE BOX 966
TRONA, CA 93562

A member of the California Federation of Mineralogical Societies

April 14, 1986

COPY

The Honorable Pete Wilson
6217 Dirksen Senate Office Bldg.
Washington, D. C. 20510

Dear Senator Wilson:

Our members are very concerned and angry about (Cranston's Bill S-2061) regarding increased wilderness areas in the present multiple use management areas of the California Desert.

It would close the areas, to our small miners, who have always been very necessary and helpful to our economy. And also to our recreational endeavors for our people who love the desert.

We appeal to your sense of fairness, to urge a strong campaign of resistance to the passage of this bill.

Sincerely,

SEARLES LAKE GEM & MINERAL SOCIETY, INC.

Jim Trent, President Jim Trent

JT:s

Marge Dorsey, Vice President

Jewell Alexander
Jewell Alexander, Secretary

Betty Jo Dill
Betty Jo Dill, Treasurer

Anna Bostrom
Anna Bostrom, Corresponding Sec'y

Dixie Trent
Dixie Trent, Publicity

Bonnie Fairchild
Bonnie Fairchild, Lap Hut Chairman

M. D. Isely, Past President

Michael W Dolan
Mike Dolan, Director

John Keys
John Keys, Director

O. N. Cole, Director

Nadine Ramey, Director

RESOLUTION

WHEREAS the Congress of the United States passed in October 1976 the Federal Land Policy and Management Act by Senator Alan Cranston and others, which emphasized resource protection within continued multiple use of the lands, and

WHEREAS the Congress further directed that these principles be guided by the implementation of a comprehensive land use plan developed with the broad involvement of all segments of the public; and

WHEREAS this Act contained special provisions which created the California Desert Conservation Area, and

WHEREAS this Act provided for development of a management plan for the California Desert Conservation Area, to include both protection and continued multiple use, and

WHEREAS a management plan was developed which recognized those special resource areas and values within the California Desert Conservation Area and,

WHEREAS this plan was approved by both the Carter and Reagan administrations, and

WHEREAS FLPMA further directs the Bureau of Land Management to inventory and study all public lands for wilderness values, including mineral surveys, and report its recommendations to Congress for final decisions on wilderness designations; and

WHEREAS the evaluations and preparation of these reports is not yet completed, and

WHEREAS the United States Congress set the year 1991 as the year by which these reports and recommendations should be brought to them, and

WHEREAS United States Senator Alan Cranston at the request of 21 preservation groups has introduced in the Senate S. 2061, and

WHEREAS S. 2061 would designate 81 wilderness areas without complete evaluation, and

WHEREAS many of the proposed 81 wilderness areas are roaded and lacking in those qualities required for wilderness, and

WHEREAS S. 2061 would create a 1.5 million acre Mojave National Park, a concept thoroughly studied during the California Desert Conservation Area planning process and rejected, and

WHEREAS S. 2061 would add 1.3 million acres from the California Desert Conservation Area to Death Valley National Monument, a concept also studied and rejected as part of the planning process, and

WHEREAS S. 2061 would add 245,000 acres from the California Desert Conservation Area to Joshua Tree National Monument, land reviewed by Congress and rejected because of their enormous mineral values, and

WHEREAS S. 2061 would convert Death Valley National Monument and Joshua Tree National Monument to National Park Status, and

WHEREAS S. 2061 could put most of the free world's rare earths as well as other strategic and necessary minerals in jeopardy, and

WHEREAS S. 2061 would eliminate most ranching in the California Desert Conservation Area, and

WHEREAS S. 2061 could place additional economic handicaps on private land owners, many small communities and rural counties, and

WHEREAS S. 2061 would limit access to 9.4 million acres of lands thus severely impacting recreational activities of all kinds, and

WHEREAS S. 2061 would negatively impact general aircraft flights and has the potential for impacting commercial and military flights, and

WHEREAS S. 2061 would be costly to implement at a time when budget cuts are limiting services, and

WHEREAS the introduction of S. 2061 violates established democratic processes which should include input from all the publics, and

WHEREAS S. 2061 is premature, ill conceived and contains many proposed actions which have been previously reviewed by Congress and/or thoroughly evaluated over the four years of planning for the California Desert Conservation Area and rejected for good reason, and

NOW THEREFORE BE IT RESOLVED the California Desert
California Desert District Advisory Board urges the Congress of the United States to reject S. 2061 in total.

Loren L. Lutz D.D.S.
Loren L. Lutz

Robert H. Chesney

Robert E. Ham

Vernon E. Johnson
Vernon E. Johnson

Caroline Maddock
Caroline Maddock

Clayton A. Record, Jr.

Karl F. Weckel

Donald L. Fife
Donald L. Fife

H Marie Brashear
H. Marie Brashear

Frank W. DeVore

Mary DeDecker
Mary DeDecker

Donniene A. Ruiz Lenz
Donniene Antonietta Ruiz Lenz

Richard A. Rudnick

James L. Strain
James L. Strain

Morris T. Worley
Morris T. Worley

RESOLUTION NO. 86-10

RESOLUTION OF INYO COUNTY BOARD OF SUPERVISORS IN OPPOSITION TO "CALIFORNIA DESERT PROTECTION ACT OF 1986"

WHEREAS, Senator Alan Cranston of California has introduced a bill entitled "California Protection Act of 1986" (the Bill), S.2061, and

WHEREAS, the Bill proposes three new parks that would total 5.71 million acres with 3.05 million acres taken from the existing Congressionally designated California Desert Conservation Area managed by the Bureau of Land Management (BLM), and

WHEREAS, the Bill proposes another 4.5 million acres of public lands be automatically established as wilderness and be managed by BLM; and

WHEREAS, the total area proposed for wilderness or inclusion into existing or new national parks is more than 9.4 million acres; and

WHEREAS, the proposed bill creates 82 separate wilderness areas; and

WHEREAS, the Bill proposes that of the 12.1 million acres currently managed for the public by BLM, only 4.6 million acres remain available for multiple use such as hunting, mining, grazing and motorized recreation, and 7.5 million placed in wilderness or parks. However, the Bill then directs that the 4.6 million remaining public use areas to be used as trading stock for blocking up for more parks and wilderness areas, and

WHEREAS, the Bill proposes that the current Death Valley National Monument, almost entirely within the boundaries of Inyo County, already over 2 million acres, would be designated a National Park and expanded to 3.4 million acres of which 1.3 million acres would come from BLM public lands. The wilderness portion of the Death Valley Park will consist of 3.2 million acres, and

WHEREAS, the Bill proposed one entirely new national park, Mojave National Park of 1.5 million acres wich would come from BLM public lands; redesignate Joshua Tree National Monument expanding it to 805,000 acres; and designate 3.9 million acres of national park wilderness in these three parks of which 1.6 million acres would come from BLM public lands, and

WHEREAS, the Bill, in proposing to establish three national parks within the already designated California Desert Conservation Area, will withdraw many of these lands from many other important uses under the public land laws and the mining laws, such as for mining leases and from Geothermal Steam Act leasing, and

WHEREAS, the Bill will require that ever unpatented mining claim located within the boundaries of the proposed parks must have a validity test completed within two years after passage of the Bill. The estimated cost of purchasing any existing patented mining claims must also be provided Congress within that two year period, and

WHEREAS, the Bill discusses protection of grazing rights which may be located within the proposed national parks; but says that, "upon expiration of the current term of such (grazing) permits, the permits shall not be renewed," and

WHEREAS, the Bill provides as national parks, the three proposes sites in the California Desert - - Mojave National Park, Joshua Tree National Park and Death Valley National Park - - will follow the tradition of other national parks by charging entry fees. Also, new public funds will have to be appropriated in the Federal budget to construct extensive public facilities, such as a visitors' center in the Mojave National Park and to provide for additional staffs. The proposed Bill says, "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title," and

WHEREAS, the passage of the Federal Land Policy and Management Act of 1976 included a congressional mandate to BLM to begin planning for protecting and managing the resources of the California Desert Conservation Area under a multiple use concept, i.e., using the lands for mining, wilderness, recreation, grazing, as well as for the scenic beauty and cultural resources of the area, and

WHEREAS, in 1980, the California Desert Plan was completed on time through a great amount of public participation, including that of the affected counties, in developing a draft plan and draft EIS, and a final EIS and final plan. Environmental, cultural, mining, recreation and ranching organizations, among others, all participated, and

WHEREAS, over 18,000 copies of the draft Desert Plan were distributed for public review and comment in 1979. Twelve hearings and workshops were attended by over 900 people. Nearly 9,0000 written responses, containing over 40,000 individual comments were received. The public Desert Advisory Council, the BLM and the public developed the final plan over a five year period, and

WHEREAS, the Desert Plan stressed the multiple use concept and called for setting aside certain special areas for particular protection such as 700,000 acres for areas of critical environmental concern (ACED) and 5.5 million acres of wilderness study areas of which approximately 2 million have been preliminarily recommended as suitable. The wilderness designation process is continuing as part of the planning process whereby Congress, with ample opportunity for public input, will decide on the proper mix of wilderness, and

WHEREAS, the Desert Plan was approved by then Secretary of Interior, Cecil Andrus, and reaffirmed later by the Secretary of Interior under the current administration, putting the Desert Plan in the unique position of having been endorsed by two Secretaries of Interior under two administrations, one Democratic and one Republican. The BLM conducts an annual amendment process which includes an annual EIS, and

WHEREAS, the Desert Plan contained the proposed establishment of the 1.5 million acre East Mojave National Scenic Area with the management philosophy that, " . . . the East Mojave National Scenic Area was so designated because of its unique blend of human use (past and present) and genuinely unique features . . . . Designation . . . was adopted . . . to ensure continuation of the uses and occupation which gives the region its character, and yet give special emphasis to retain the area's natural scenic qualities . . . ." In other words, the uses of the area are important, but BLM will manage them to assure the scenic values of the area will remain; and

WHEREAS, neither Senator Cranston, nor his staff, consulted with any representative of Inyo County or any of its staff before introducing the Bill; and

WHEREAS, the Inyo County Board of Supervisors is informed that no local governments, nor their staffs in California, were consulted by Senator Cranston or his staff before introducing the Bill, and

WHEREAS, Inyo County's economy is based mainly on tourism, mining, and cattle ranching, and

WHEREAS, the Bill would drastically limit multiple use of the desert by tourists, miners and for grazing in Inyo County, and

WHEREAS, the Board of Supervisors of Inyo County is informed that Senator Cranston and his staff consulted with environmental groups approximately one (1) year prior to the Bill's introduction, and

WHEREAS, the Inyo County Board of Supervisors is informed that desert user organizations, such as the California Mining Association, cattlemen organizations, American Motorcycle Association and others, were not consulted prior to the introduction of the Bill, and

WHEREAS, the Bill would drastically affect the land use of almost all of the California desert counties, and

WHEREAS, the Federal government, through the BLM, has already spent a great deal of money, time and energy in developing the California Desert Plan with the participation of all desert users, including the environmental groups, local governments and others.

NOW, THEREFORE, BE IT RESOLVED that the Inyo County Board of Supervisors opposes S.2061 (California Desert Protection Act of 1986) in its present form, and

BE IT FURTHER RESOLVED that the Inyo County Board of Supervisors supports the efforts of the BLM in the development of California Desert Plan in the California Desert Conservation Area and the multiple use concepts therein, and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to both U.S. Senators from California, the Congressional Delegation from California, appropriate State representatives, County Supervisors Association of California, Regional Council of Rural Counties, and other organization as designated by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of Inyo, State of California, this _____ day of March, 1986, by the following vote:

AYES: Irwin, Campell, Calkins, Johnson and Bremmer

NOES: None

ABSENT: None

ATTEST:
Clerk of the Board of Supervisors

By:_______________________________
Deputy

OVERVIEW OF SENATOR CRANSTON'S BILL "CALIFORNIA DESERT PROTECTION ACT OF 1986"

AND

BLM'S CALIFORNIA CONSERVATION AREA (CDCA)

A. CRANSTON BILL:

1. Proposes three new parks that would total 5.71 million acres with 3.05 million acres taken from the existing Congressionally designated California Desert Conservation Area managed by BLM.

2. Proposes another 4.5 million acres of public lands be automatically established as wilderness and be managed BLM.

3. Proposes that of the 12.1 million acres currently managed for the public by BLM, only 4.6 million acres remain available for multiple use such as hunting, mining, grazing, and motorized recreation and 7.5 million placed in wilderness or parks. However, the bill then directs that the 4.6 million remaining public use areas to be used as trading stock for blocking up for more parks and wilderness areas.

4. One park would be entirely new, a Mojave National Park of 1.5 million acres which would come from BLM public lands. The wilderness portion of the Mojave National Park will consist of 747,940 acres.

5. The current Death Valley National Monument, already over 2 million acres, would be designated a National Park and expanded to 3.4 million acres of which 1.3 million acres would come from BLM public lands. The wilderness portion of the Death Valley Park will consist of 3.2 million acres.

6. The existing Joshua Tree National Monument would be designated a National Park and expanded to 805,000 acres of which 245,000 acres would come from BLM public lands. The wilderness portion of the Joshua Tree Park will consist of at least 135,957 of BLM acres.

7. Designates 3.9 million acres of national park wilderness in these three parks of which 1.6 million acres would come from BLM public lands.

8. Expands the Red Rock Canyon State Park by transferring 20,500 acres of BLM lands to the California Dept of Parks & Recreation.

9. Creates protective units to be administered by BLM for a botanical area, The Desert Lily Sanctuary, 1,920 acres, and a historical site of 490 acres, the Indian Canyons.

10. The Cranston bill, in proposing to establish three National Parks within the already designated California Desert Conservation Area, will withdraw many of these lands from many other important uses under the public land laws and the mining laws such as for mining leases and from Geothermal Steam Act leasing.

11. The Cranston bill will require that every unpatented mining claim located within the boundaries of the proposed parks must have a validity test completed within two years after passage of the bill. The estimated cost of purchasing any existing patented mining claims must also be provided Congress within that two-year period.

12. The Cranston bill discusses protection of grazing rights which may be located within the proposed National Parks, but says that, "upon expiration of the current term of such [grazing] permits, the permits shall not be renewed."

13. As National Parks, the three proposed sites in the California Desert—Mojave National Park, Joshua Tree National Park, and Death Valley National Park—will follow the tradition of other national parks by charging entry fees. Also, new public funds will have to be appropriated in the Federal budget to construct extensive public facilities, such as a visitors' center in the Mojave National Park and to provide for additional staffs. The proposed bill says, "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title."

14. The bill attributes the values of East Mojave as a park to a BLM Desert Plan Staff Study. Similarly, the National Park Service Staff mentioned these values. In the context of the desert planning process, a national park was treated as a valid alternative. However, it was ultimately rejected in the final decision by the BLM, National Park Service, and the Secretary of Interior. Instead, these values are already and will continue to be protected by BLM within the East Mojave Scenic Area designation.

B. CDCA:

1. The passage of the Federal Land Policy and Management Act of 1976 included a Congressional mandate to BLM to begin planning for protecting and managing the resources of the California Desert Conservation Area under a multiple use concept, i.e., using the lands for mining, wilderness, recreation, grazing, as well as for the scenic beauty and cultural resources of the area.

2. In 1980, the California Desert Plan was completed on time through a great amount of public participation in developing a draft plan and draft EIS, and a final EIS and final plan. Environmental, cultural, mining, recreation, and ranching organizations, among others, all participated.

3. Over 18,000 copies of the draft Desert Plan were distributed for public review and comment in 1979. Twelve hearings and workshops were attended by over 900 people. Nearly 9,000 written responses, containing over 40,000 individual comments were received. The public Desert Advisory Council, the BLM, and the public developed the final plan over a five-year period.

4. The Desert Plan stressed the multiple use concept and called for setting aside certain special areas for particular protection such as 700,000 acres for areas of critical environmental concern (ACEC) and 5.5 million acres of wilderness study areas of which approximately 2 million have been preliminarily recommended as suitable. The wilderness designation process is continuing as part of the planning process whereby Congress with ample opportunity for public input will decide on the proper mix of wilderness.

5. The Desert Plan was approved by then Secretary of Interior Cecil Andrus, and reaffirmed later by the Secretary of Interior under the current administration, putting the Desert Plan in the unique position of having been endorsed by two Secretaries of Interior under two administrations, one Democratic and one Republican. The BLM conducts an annual amendment process which includes an annual EIS.

6. The Desert Plan contained the proposed establishment of the 1.5 million acre East Mojave National Scenic Area with the management philosophy that, ". . . the East Mojave National Scenic Area was so designated because of its unique blend of human use (past and present) and genuinely unique features . . . . Designation . . . was adopted . . . to ensure continuation of the uses and occupation which gives the region its character, and yet give special emphasis to retain the area's natural scenic qualities. . . ." In other words, the uses of the area are important, but BLM will manage them to assure the scenic values of the area will remain.

7. The BLM has listed 23 areas in the East Mojave for study as possible wilderness areas. Seven of those areas have been recommended as suitable covering 300,000 acres. Sixteen have been recommended non-suitable totaling 427,000 acres.

RESOLUTION 78-111

A RESOLUTION ON CALIFORNIA DESERT CONSERVATION AREA INVENTORY AND STUDY PROGRAM

WHEREAS, the Federal Land Policy and Management Act of 1976 requires the preparation and completion of a comprehensive long-range plan for the management, use, development and protection of the Public Lands within the California Desert Conservation Area; and

WHEREAS, the Wilderness Act of 1964 set the criteria for determining the roadless areas of Public Lands; and

WHEREAS, such acts could provide for hundreds of thousands of acres of Inyo County lands to be placed into a Desert Wilderness that could restrict the use to a degree that would not allow for the multiple use concept of the resources of the area; and

WHEREAS, the Inyo County General Plan clearly provides that such study area is open space with Mulitple Use of its resources to be a primary consideration; and

WHEREAS, a maintained county road system serves most of the area; and

WHEREAS, the whole area has been used extensively for mining and recreation which are two main industries of Inyo County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors have grave concerns for the possible adverse effects of the Inventory and Study Program set up for the California Desert Conservation Area, and direct the Inyo County Planning Department and Planning Commission to work with the Bureau of Land Management, U.S. Department of the Interior on the Inventory and Study Program to insure that the Inyo County General Plan is not violated by restricting the Multiple use concepts in the area and that the County road system as well as the Public roads in the area are clearly recognized and preserved for the use of the General Public as well as mining and recreation activities.

BE IT FURTHER RESOLVED that as the U.S. Department of Interior, Bureau of Land Management, develops plans for the California Desert Conservation area, such plans shall be approved by the Inyo County Board of Supervisors prior to the adoption by the Federal Government.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the U.S. Senators, Congressmen and the U.S. Department of the Interior.

PASSED AND ADOPTED THIS 5th day of September, 1978.

ATTEST:

Margaret Bromley, Clerk

By Kelli Human
Deputy

"The foregoing Resolution 78-111 was duly passed and adopted by the Inyo County Board of Supervisors at a regular meeting thereof held on September 5 1978 by the following vote:

AYES: Supervisors Muth, Johnson, Engel, London & McDonald

NOES: None

ABSENT: None

Attest: RICHARD B. McDONALD
Chairman

Kelli Human Dep. Clerk

The foregoing instrument is a full, true and correct copy of the original on file in this office.

Attest: September 6 1978

Margaret Bromley, County Clerk and Ex-Officio Clerk of the Board of Supervisors, Inyo County, California.

By Kelli Human, Deputy Clerk

July 22,1987

The Honoable Dale Bumpers
Chairman of the Senate Subcommittee for Public Lan~~x~~ds and National Parks
S 7 Hearing Record
Senate D-V-308
Washington D. C. 20510

Dear Senator Bumpers:

I would like to share the future with you, in expressing my ~~xixx~~ views ~~x~~ into the hearing record, of what I ~~bex~~ believe to be the destiny of the Eastern Mojave Desert.

I have a capital of an idea that will change the world.

We need the help of Congress, into turning my germ of an idea into the World Capital.

I know a World Capital is feasible in the ~~Infx~~ Information Age. Since I am an American, and from California, I have a vision that it should be in the Mojave Desert.

Senator Alan Cranston's proposed California Desert Protection Act would be a wonderful thing for the Mojave Desert. ~~However~~ However, the world needs a World Capital.

The following steps into creating a World Capital are:

1. President Reagan appoints the World Capital Commission.
2. Sponsors from both Houses of Congress, craft and draft the proposed World Capital Act.
3. President Reagan calls a Special Session of Congress, and urges the passage of the Bipartisan proposed World Capital Act.
4. After being amended, the World Capital Act becomes law; and donates federal lands in the Eastern Mojave Desert of California (Roughly from Barsto~~w~~w to Needles) to this Vatican City--like-Brasilia-built-like-city-World Capital to be.
5. A treaty is signed guaranteeing the unique sovereignty of the World Capital, and its necessities, of which the World Capital will pay for.
6. A United Nations General Assembly Resolution inviting a quota of Global Pioneers from each country, Territory, and the disenfranchised to live and work to help manage the world's solutions in the Consultant to the world:World Capital. The Global Pioneers will communicate in the international neutral language:Esperanto.
7. The World Treasury issues bonds to finance the development of the World Capital.

The World Treasury will begin a new age by polarizing the world economically, by issuing an electronic world currency:"Points" Points will supplement money. Points will not be taxed. The World Capital will collect no public revenues. People will have a World Individual Account (WIA) accessed by their fingerprints. Points will be transferable, but there will be accountability. Points will be much more flexible than money. Points will do what money often does not do in this world:Good. After all, money is an agreement of a means of exchange and is man created, with the help of women of course. Points will be worth twice the amount of your nations currency. Points will be given to keep inflation down. Points will be given to people as an incentive to live a more productive life. Points will run the global economy much more efficientally. The objective is to wire the whole world. This can be done right down to the local level, through the following World Capital directed Networks:

1. World Economy Points Center Area Network - WEPCAN
2. World Economy Points Family Access Network- WEPFAN
3. World Economy Points Individual Access Network-WEPIAN
4. World Economy Points Government Access Network-WEPGAN
5. World Economy Points Business Access Network -WEPBAN

These WEP- offices will be sensitized to the real needs of people.

My concept of a World Capital is for the Global PIOneers citizens to be ideologically neutral. I believe you can unite the world economically because everybody is interested in having a higher standered of living or more purpose in one's life.

Some questions and answers about a World Capital in the Mojave Desert:

~~ix~~

Q. What about water?

A. Since 90% of the water used in California is for agriculture purposes, the World Capital would buy the water rights of ~~f~~ some ~~famexx~~ farmers at a very generous rate. A pipeline would be built with the cooperation of the farmers, California legislature, people of California, and the Bureau of Reclamation or the Army Corps of Engineers.There could be other ways to get water.

Q. What about Earthquakes?

A. There are Earthquake Fault Lines in the area. The World Capital will be built with the reality of there being earthquakes.

Q. ~~Xxxy~~ Isn't it to hot in the Mojave Desert?

A. Yes, the Mojave is like an oven in the summertime. Very cold at night. The World Capital will be built with modern technology in protecting the people from this harsh environment. Domes, air conditioning,and protective clothing and training for all workers and Global Pioneers will be a must.The Mojave often has an eighty degree swing in tempertures in a typical day.

Q. What about the Air routes to and from the World Capital Airport?

A. Southern California is one of the busiest air traffic areas in the world. I believe air routes could be planned with the cooperation of the F.A.A. and Mexico, right through Mexico.

Q. What about private interests in the proposed World Capital Area?

A. The World Capital will compensate and work closely with all concerned parties.

Q. Why should the World Capital be in the Mojave Desert?

The Bureau of Land Management controlls most of the land in the area. As I have said before the World Capital would have to be built in an open area. There is no ideal place in the world that would Initially please everybody in the world. The real ~~important~~ importance of a World Capital is what it could do for the world and not where it is located. Since I am an American, I want it to be in the Mojave Desert.

Q. What about damaging the Mojave Desert's enviroment?

A. There is going to be damage to the fragile desert enviroment. The World Capital would like to work with the enviromental groups and people to build the World Capital to blend into the desert, and as much as possible minimize the damage.

Q. What type of city do you envision the World Capital to be like?
A. I have been told that the rock beds are solid in the area, therefore, I believe there should be ~~bx~~ an underground subway system built. All cars will be banned ~~Xmxpmx.~~(Except for essiential uses) Trump-like Condo-Towers will be built for the World Capital Citizens to perserve room.

Lastly, I will recomend that Senator Alan Cranston and Senator Dale Bumpers be appointed by the President and to serve on The United Nations World Capital Commissions, so they can learn firsthand of the who, what, where,~~why~~ why, when,and how a World Capital Will change our world for the better. I will be glad to answer any questions. I am open to all ideas, for this will never fly unless the whole world is invited to particapate. I know we can make history in every way. THANK YOU.

I am sincrely,

Consultant to the World Capital

"Citizen Kayne"

Kayne Bancroft

Kayne Bancroft

875 Post Street San Francisco, California 94109 (415)-474-5207

TESTIMONY OF JAY VON WERLHOF BEFORE SENATOR DALE BUMPERS' SUBCOMMITTEE ON ENERGY AND NATURAL RESOURCES, 23 JULY 1987

Mr. Chairman, I am Jay von Werlhof, Professor of Anthropology and Archaeology at Imperial Valley College, Director of Imperial Valley College Museum, Regional Officer for State of California Archaeological Survey, and Past President of Society for California Archaeology.

I am testifying in support of stronger and more effective conservation, protection, and preservation measures than now exist for archaeological resources found or are likely to be found on public lands in the California deserts.

The California deserts contain the largest and most ancient collection of archaeological sites known to that State. The harsh climate and awesome topography has until recently been a natural shield against the massive impactions on archaeological resources elsewhere noted in areas of milder climates and collectivized developments. But through technological advancements in air conditioning, highway networks, and recreational vehicles the deserts since World War II have become compatible with expectations in modern living standards as well as becoming adventurous playgrounds. These imprints of civilization have expanded the opportunities of relic hunting, a long-time and popular pursuit. Archaeological desert sites have been systematically ransacked by treasure hunters as well as inadvertently destroyed by caring but uninformed desert visitors.

The archaeological resources of the desert are the most ancient found in California, precisely because the earliest migrants into this State entered through desert corridors in the late stages of the Ice Age. They found in what is now hot and arid lands a paradise of interconnecting lakes, a cooler and wetter climate, and an array of exotic animals, birds, and vegetal life.

As the Ice Age gradually waned and warmed 12,000 years ago, the melting snow and ice kept alive the lakes and streams until about 9000 years ago. The archaeological sites reflect cultural shifts as part of the population migrated to the coast and interior valleys, and those that stayed modified their technology and world-view.in a very human attempt to maintain life and its assurance in their ancestral lands. These changes added to the rich diversity of archaeological sites, and also left as significant reminders to us the adaptive range of the human being to cope with severe environmental challenges.

Within this context a new type of site emerged--earthen art. In contrast, rock art sites developed about 30,000 years ago and spread gradually through all lands. A few people still carry on the tradition today, mostly in rock painting. But earthen art--large scraped figures known as geoglyphs (or intaglios), and rock alignments in which designs are formed by butting rocks together on the surface of the ground--is much more restricted. Rock alignments are the most ancient of the earthen art forms, and are found only in Australia, Chile, and the deserts of North America, notably in California where the largest collection of them is known. The earthen art sites are sacred to Natives even today, reflecting spiritual quests for renewal, rejeuvenation, and assurance.

Some 300 of these earthen art sites in California are now threatened from developments and recreational spread. Over the past ten years, Bureau of Land Management in cooperation with Native American groups, the Desert Watch program, University of California Riverside, and Imperial Valley College Museum fenced about 10% of these sites. But all are vulnerable except those in Death Valley National Monument where ORV activity is prohibited. Imperial Valley College Museum has applied to Congress for a 25 acre parcel of BLM land near Ocotillo, California, on which to place its Desert Museum and Information Center as a means of educating people to the desert, its ways and resources. Included on this parcel is an ancient geoglyph, which the museum will fence and prepare for public viewing.

Education and physical protective measures are both necessary to preserve the earthen art sites, and, indeed all archaeological resources. Five miles east of Ocotillo, on the Yuha Mesa, is the most complex and detailed geoglyph known to the world. On Memorial Day, 1975, two cyclists lifted their motorbikes over a three foot iron pipe fence that the Imperial County Board of Supervisors ordered built and posted to help protect this outstanding specimen, though on BLM land. The two visitors totally destroyed the entire site that afternoon in 1975. IVC

Museum personnel reconstructed the site, using aerial photographs and surveyed drawings. Though the design is replicated, the site can never be studied from within its original context.

Seven miles south of Ocotillo in Coyote Valley was a large ceremonial site covering a ½ mile long knoll which the IVC archaeological class discovered and recorded while on surface survey in 1981. The site was composed of 25 religious features, as prayer circles, shamanic hearths, rock monuments and cairns, and compartmented surface structures. Cross trails connected this site with the destroyed geoglyph site on Yuha Mesa. Sometime between fall and spring of 1986-87, campers occupying the foot of the knoll totally destroyed this site with shovels and ORV activity. Every one of the features was excavated and run over. This site, built sometime before 1000 A.D., served Natives moving between the mountains to the immediate west and Lake Cahuilla ten miles east, beyond the Yuha Mesa. This important site is only one mile west of State Highway 98, and adjacent to the very rare Crucifixion Thorns, themselves fenced and posted. IVC Museum plans to present a restoration and protection plan to BLM for "Holy Hill," the destroyed site.

The two examples cited here are not unusual. Actual threats to, and destruction of, archaeological sites are rising while the ability of agencies to carry out preservation and protection policies--and plans--are declining. It will take decades to complete studies of our archaeological resources, but without adequate protection the sites can--and will continue to be--destroyed by a few hours of careless or willful activity. These sites are as much a part of our cultural heritage as of the Natives who made them.

I strongly urge Congress--this historic 100th Congress--to provide adequate laws that will create the protective environment necessary to preserve our past for the future enjoyment and knowledge of all. Currently, the deserts contain the largest collection of extant sites in California, and unless Congress assumes the leadership for their preservation these ancient sites will within our own lifetime face extinction.

BARSTOW AREA
Chamber of Commerce
*"Bursting with Energy
and Hospitality"*

P.O. DRAWER 698 BARSTOW, CA 92311-0698

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOUR
RECEIVED
JUL 13 1987
WASHINGTON, D.C. 20510

July 9, 1987

The Honorable Dale Bumpers, Vice-Chairman
Senate Energy and Natural Resources Committee
Room 229 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers:

In our previous correspondence to you and all other members of the U.S. Senate, we have made known the strong opposition the Barstow area residents, businesses and this organization has for the California Desert Protection Act of 1987; Senator Cranston's SB7 and companion bills, HR371, 361 and 729. These pieces of legislation must not be enacted.

We feel that the present plan, administered by the Bureau of Land Management, was developed over a significant number of years, at a cost of several million dollars and was the result of considerable documented public input and that the Bureau of Land Management has accomplished a great deal in the implementation phase of this plan, wilderness studies, wildlife surveys, areas designated to specific uses, and has addressed other reasonable concerns.

We strongly object to the creation of 8.8 million acres of instant wilderness and the restrictive uses that accompany such designation. This legislation is counter productive to the Nation in that it would allow no new mineral leasing for oil and gas, geothermal and mineral exploration, and would end the use of this land for grazing.

(619) 256-8617

HOME OF THE CALIFORNIA SMILE

We ask that this letter be made part of the hearing record of your sub-committee.

Sincerely,

Wayne Soppeland
President

wkm
cc Senator Pete Wilson
Representative Jerry Lewis
Daryl Owen, Staff Director, Energy & Natural Resources Committee
Allen Hill, Chairman of Environmental Quality Control

SENATE COMMITTEE ON
ENERGY AND NATURAL
RECEIVED
JUL 13 1987
WASHINGTON, D.C. 20510

Brubaker-Mann, INC.
NATURAL COLORED CRUSHED ROCK

MINED AND MILLED IN BARSTOW, CALIF.
LARGE SELECTION OF NATURAL COLORS

30984 SOAP MINE ROAD • BARSTOW, CALIFORNIA 92311 • (619) 256-2520 (619) 256-8317

OFFICERS

President
William J. Mann

V.P. of Administration
Julie Mann Rohn

V.P. of Operations
Jennifer Henderson

Secretary and
Chief Financial Officer
Dorothy E. Mann

July 10, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Senate Energy and Natural Resources Committee
U.S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

BILL: S. 7, California Desert Protection Act

POSITION: OPPOSE

Dear Senator Bumpers:

I would like to request that this letter of opposition be included in the hearing record. Brubaker-Mann Inc. is a specialty rock company which mines and mills naturally colored rock for roofing and landscaping. The reason our company is located in the California desert is because that is where the large variety of colored rock is found. We cannot move to another state if we are shut out of the California desert because the minerals are not located elsewhere.

We operate another company called R.D.M. Minerals, Inc. which deals in talc. In the United States, talc is found mainly along the Appalachian axis from Canada to South Carolina, and in irregular bodies in the folded rocks in the west. Most

deposits in the U.S. have small amounts of fibers such as asbestos and tremolite and traces of arsenic, and therefore cannot be used in the manufacture of cosmetics. We know of only two deposits in the U.S. which have fiber-free talc: one in Montana, and the other in the Saline Valley where we buy all of our material. The Saline Valley is to be included in the expanded Death Valley National Park which would eventually shut this operation down.

We gross approximately 1.2 million dollars per year from the colored rock business and approximately $250,000.00 per year from the talc business. These companies directly support 20 families and contribute to the support of many others who provide the trucking and other related services.

Last year Brubaker-Mann Inc. paid $51,804.00 in federal income taxes and $25,261.00 in state income taxes. R.D.M. Minerals paid $2,855.00 in federal income taxes and $2,024.00 in state income taxes. This does not include excise taxes, social security contributions, unemployment contributions or any other tax. The trickle-down effect is unknown but we have over 50 major distributors of our products in California, Nevada, and Arizona, and a major customer in Mexico.

No one with any intelligence should be fooled by the promise that this bill will not effect mining. It is the environmentalist goal to stop mining and they have included

a provision in the bill to invalidate existing mining claims.

Every civic, county, state, and federal representative from this area and the vast majority of the population is opposed to this ruinous bill. Having been born and raised here, the California desert is very dear to me. The current multiple-use system is a masterpiece in balancing use and protection. Please do not change it.

Sincerely,

Julie Mann Rohn

Julie Mann Rohn
V.P. of Administration

JMR:jr

Clark's
MOBILE HOME
PARK

ANN PRICE,
manager

Box 69, Baker, Ca. 92309
(619)733 4541

July 14, 1987

Daryl Owen, Staff Director
Room 364, Dirksen Senate Office Bldg.
Washington, D.C. 20510

Re: Senate Bill 7

Dear Sir;

As a business owner and a long time resident of the Mojave Desert, I am very concerned with the effect SB 7 would have on the desert.

I feel this is a very unwise piece of legislation. The Bureau of Land Management has a program (California Desert Plan) in place, that millions of dollars and man-hours have been spent on. SB 7 and companion bills HR 361, 371, and 729 would scrap this massive effort by the people and organizations concerned with the desert.

It would be very short-sighted to prohibit mining exploration in one of the country's most highly mineralized areas.

The creation of a National Park would prohibit or destroy the very things that make the East Mojave a special place.

Sincerly,

Lois Clark

Lois Clark, owner

I would like this letter read into the permanent hearing record.

7-14-87

Dear Mr. Bumpers,

I am writing in regards to Sen. Cranston's bill, SB-7. I do not live in the desert at this time but every chance I get you will find me out in the desert enjoying the beauty and the sense of freedom and adventure that the desert has to offer, and if this bill passes there will be no more enjoyment for me and thousands of others. I strongly oppose this bill as well as everyone else I have met in the desert or even in the cities oppose this bill, for with the road closures and further restrictions of movement that this bill would imppose is unwarranted and based on lies and half-truths.

I dont mind paying my fair share of taxes, but when a completely misguided senator tries to take away my freedom as guaranteed to me as an American to enjoy what is already public lands to begin with I find very objectionable.

This bill would severely hurt the desert communities and the counties covered by this bill from the loss of tourisim and commercial business. I strongly urge you to personally contact the desert communities and get the real info on this issue befor you make any decision!

Please let us keep our land, don't fence us out, vote NO on SB-7. I ask that this letter of opposition be made part of the hearing record.

Thank You,

Don Becker
229 Coronado #C
Long Beach, Cal. 90803

Contact- California Desert Coalition
6192 Magnolia Ave. Suite D
Riverside, Ca. 92506
714-684-6509

BAKER AREA
Chamber of Commerce

POST OFFICE BOX 131
BAKER, CALIFORNIA 92309

July 14, 1987

Daryl Owen, Staff Director
Room 364, Dirksen Senate Office Bldg.
Washington, D.C. 20510

Re; SB 7

Dear Sir;

The Community of Baker is located on the boundry of the East Mojave National Scenic Area. (EMNSA) Our economy is based on tourism and mining.

The largest Rare Earth mine in the world is 35 miles East of Baker and is also on the boundry of the Scenic Area. The Morning Star mine, located inside the EMNSA and the Colosseum mine (scheduled to open this month) are both major gold mines. It would be unwise to prohibit mineral exploration in the area, both for local and national economy and national security.

The majority of the tourist that visit the National Scenic Area would be forbidden from camping or exploring. Creating a National Park would destroy the things that make the area unique. (mining, rockhounding, exploring, camping, ranching, etc.)

This piece of legislation would be very detrimental and unfair to the people who have pioneered the desert and who live on and make their living from the desert.

The National Park Service is notoriously anti-people and land protection oriented.

Sincerly,

Ann Price, president

We wish this letter to be read into the hearing records.

Hi-torque publications inc

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July 13, 1987

Chairman, Senate Energy
& Natural Resources Committee
S.D. 308
Washington, D.C. 20510-6150

Honorable Dale Bumpers,

Please enter this letter as written testimony in the S-7 hearing, as it caters only to the environmentalist faction to the exclusion of all other concerned groups. Futhermore, shutting down 9.5 million acres of California desert and forest land for public use would have a horrendous economic impact on the recreational vehicle industry (from ATVs to RVs) and several desert communities. If tens of millions of ORV dollars are withdrawn from these communities they will surely become ghost towns. Can California afford to lose these revenues to surrounding states and Mexico?

Some of my fondest memories concern the deserts of California. I learned to ride a motorcycle in the Antelope Valley in 1969, and our family spent many weekends camping and riding ORVs in the desert. Because of these outtings, our family has stayed close, and I never experienced the so-called generation gap. I learned to respect the rights of others and the land (I later earned a degree in Forest Management), as well. It crushes me to think that I can't do the same for my children if this Bill passes.

Our family also enjoyed the wilderness on foot. Occasionally we backpacked in California and into the Grand Canyon, and I feel there are plenty of areas where hikers can enjoy the wilderness without hearing an ORV. Closing 50,000 square miles to vehicular travel is not only selfish on the Sierra Club's part, but it would be unjust to the rest of the people. What about our senior citizens who could not enjoy the desert beauty without an ORV? With the intense heat, the desert would be deadly to even an extremely fit person in all but the winter months if he had to backpack into the wilderness.

Lastly, if S-7 passes, OVRers would be corralled into minute parcels of land, and the overcrowding will surely cause a drastic increase in ORV injuries and deaths as well as accelerated damage to those areas.

Please kill S-7, as it would do irreparable damage to the ORV industry, California's economy and countless families, including mine.

Thank you.

Sincerely,

TIM TOLLESON
Managing Editor
DIRT BIKE Magazine

CITY OF LOS ANGELES
CALIFORNIA

TOM BRADLEY
MAYOR

ELIAS MARTINEZ
CITY CLERK

OFFICE OF
CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CA 90012
485-5705

WHEN MAKING INQUIRIES RELATIVE TO THIS MATTER, REFER TO FILE NO.

87-0500-S34

July 21, 1987

RE: 1987-88 LEGISLATIVE PROGRAM SUPPORT FOR THE CALIFORNIA DESERT PROTECTION ACT OF 1987 (S. 7, CRANSTON AND H.R. 371, LEVINE)

I HEREBY CERTIFY that the attached INTERGOVERNMENTAL RELATIONS AND ENERGY AND NATURAL RESOURCES COMMITTEES JOINT REPORT was adopted by the Los Angeles City Council, at its meeting held July 21, 1987.

ELIAS MARTINEZ, CITY CLERK

By
Deputy

Attachment
fse

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

File No. 87-0500-S34

Your INTERGOVERNMENTAL RELATIONS and ENERGY AND NATURAL RESOURCES COMMITTEES report as follows:

	Yes	No
PUBLIC COMMENTS	XXX	

RECOMMENDATIONS

1) That the City include in its 1987-88 Legislative Program SUPPORT for The California Desert Protection Act of 1987 (S. 7, Cranston and H.R. 371, Levine) IF AMENDED to: a) preserve certain utility corridors as specified, and b) address the concerns raised by the Inyo County Board of Supervisors in a manner which is consistent with the Act's purposes; and,

2) DIRECT the Chief Legislative Analyst to report back to the Committees on any developments regarding the legislation which are of significance to the City.

SUMMARY

The California Desert Protection Act would affect about ten (10) million acres of public lands. Eighty one (81) wilderness acres and three (3) national parks would be created or enlarged by the legislation along with the creation of several wildlife sanctuaries and historic sites. The Act would double the amount of protected wilderness area in California.

Increased protection of these public lands would provide the public with significant environmental and recreational resources. New or enlarged wilderness areas, wildlife sanctuaries, historic sites and national parks would be created by the Act. In most of these areas mining, development, motorized recreation, and other economic land use would be prohibited or restricted. These restrictions will preserve the desert for future generations. The environmental, historical and recreational benefits will be an environmental asset to Southern California.

The Department of Water and Power is concerned that the Act would restrict the use of or eliminate several utility corridors and/or access to the Los Angeles Aqueduct. D.W.P. has identified approximately 100,000 acres which are needed for energy and water transportation purposes. These 100,000 acres represent about one (1) percent of the Act's ten (10) million acres. D.W.P. has requested that the City take the necessary steps to secure amendments to the Act to protect this land for water and energy purposes.

The potentially affected utility corridors provide an important and necessary link between the City and its out-of-basin water and power resources. Water shortages and clean air requirements will make the importation of water and power even more critical, thereby increasing the significance of these corridors for existing and future water and power purposes. The attached lists describe the approximate size of the affected land, and the specific utility corridors and City facilities which would be affected by the legislation.

The Act contains language (Section 411, page 40) which is designed to protect some utility corridors in one of the parks. The D.W.P. has requested a more specific description of the permitted utility corridors in the other lands which are contained in the Act and the type of utility activity, including maintenance and construction work, which would be permitted. The Section 411 language, for example, does not mention such specific issues as utility corridor width.

The Sierra Club has requested that the City support the legislation and has commented on how they feel the Act will benefit Los Angeles. The Club has also agreed that certain utility uses of the affected land should be preserved.

Representatives of several other environmental groups which are supporting the bill and Congressman Levine's Office also told your Committees that they agreed with the concepts behind the proposed amendments.

The Bureau of Land Management is opposing the Act and a representative of the Bureau appeared before your Committee. The Bureau has responsibility for the management of much of the affected land and has developed a plan for the management of the land. This plan, which was developed over many years and with extensive public participation, does not afford the Desert the degree of protection which is contained in the Act.

The Bureau has argued that the Act would circumvent the plan and the extensive effort which has gone into its preparation. Advocates of the Act have told your Committees that they view the plan as part of the public policy making process and that they acknowledge the good works of B.L.M. but feel that it is time to provide for a greater level of protection before significant environmental damage occurs.

The legislation would enlarge two existing national monuments (and make them national parks) and creates a third new park. These parks would be governed by a higher degree of protection because the National Park Service's land management techniques are more environmentally focused than those of the B.L.M. Under this stricter management approach mining is prohibited and motorized recreation is greatly reduced.

The Inyo County Board of Supervisors is opposed to the Act. The Board has requested that the City either join them in opposition or take no position on the Act. Inyo County is concerned that the legislation would limit economic growth, cattle grazing, mining, and motorized recreational opportunities on the affected lands. The Supervisors are concerned that the land restrictions contained in the legislation would, in effect, prevent the County from growing.

Over the past several years the City has developed a very good working relationship with Inyo County. The City has executed an agreement with the County which calls for cooperation on water policy and related legislative issues. Consistent with the spirit of that agreement, the recommended City position includes a statement that the legislation be amended to include language to address the concerns of the County in a manner which is consistent with the goals of the Act.

One means of accomplishing this objective would be to designate certain lands which are located near the County as being allowed to experience some limited growth or specified recreational uses. Another approach would be to establish a board or commission which could manage the growth in those areas which are near the County. While the details of the amendment need not be resolved at this time, the City should request that Congress specifically address Inyo's concerns and establish a means, in the Act, of dealing with those concerns.

The City's recent experience with Inyo County has shown that such an established means of cooperation can assist in the resolution of public policy differences. Adding such language to the Act should, therefore, assist Inyo County in contributing their opinions to the land use decisions which will affect the County.

Respectfully submitted,

INTERGOVERNMENTAL RELATIONS COMMITTEE	ENERGY AND NATURAL RESOURCES COMMITTEE

Attachments:
- List of affected lands
- List of affected City facilities

ACH
7/16/87

July 30, 1987

Honorable Dale Bumpers
Chairman, Subcommittee on
Public Lands, National Parks and Forests
U.S. Senate
Washington, D.C. 20510

Dear Chairman Bumpers:

Please find enclosed the written statement of the National Parks and Conservation Association supporting the California Desert Protection Act of 1987, S.7.

We request that this statement be made a part of the official record of the subcommittee's hearings on the California Desert Protection Act.

Thank you.

Sincerely,

Brien F. Culhane
Natural Resources Coordinator

National Parks and Conservation Association
1015 Thirty-First Street, N.W., Washington, D.C. 20007
Telephone (202) 944-8530

STATEMENT OF RUSSELL D. BUTCHER
SOUTHWEST AND CALIFORNIA REPRESENTATIVE
NATIONAL PARKS AND CONSERVATION ASSOCIATION

SUBMITTED TO THE

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
UNITED STATES SENATE

on S. 7

JULY 23, 1987

National Parks and Conservation Association, a private nonprofit membership organization founded 68 years ago to promote the protection, enhancement, and public understanding of the National Park System and related public lands, strongly supports the California Desert Protection Act of 1987, S. 7, to bring about enhanced protection of the ecologically fragile California desert.

A wide variety of use and developmental pressures, including burgeoning off-road vehicle activities, mineral exploration and mining developments, siting of transmission lines and other utility company facilities, target shooting*, and livestock grazing, all have an impact upon desert ecosystems and landscapes. As a result of rapid population growth in southern California, southern Nevada, and southern Arizona, some of these impacts are escalating at an alarming rate year by year. Consequently, if meaningful enhanced protection of key areas is to be achieved, there must be no delay. Time is running out.

Concerning provisions of S. 7, we enthusiastically support the plan to substantially enlarge Joshua Tree and Death Valley national monuments by adding adjacent lands that contain important scenic, geological, and ecological values. In most instances, more manageable boundaries will be provided by realigning them away from existing straight section lines and onto identifiable features on the land.

At Joshua Tree National Monument, 245,000 acres of proposed additions encompass wild lands that were formerly within the national monument, but were deleted in 1950 under an assumption that they contained valuable mineral resources. Since this assumption has not proven to be true in these units of the Coxcomb, Eagle, and Cottonwood mountains, we urge that these scenic lands now finally be returned to National Park System protection. One of the most dramatically beautiful of the proposed additions to Joshua Tree National Monument is an area of fantastically weather-sculpted rock formations in the Coxcombs. In addition, the Coxcomb and Eagle mountains provide valuable habitat for bighorn sheep and other native wildlife.

(*Target-type shooting is popular; hunting not particularly common in the East Mojave NSA)

National Parks and Conservation Association
1015 Thirty-First Street, N.W., Washington, D.C. 20007
Telephone (202) 944-8530

Some of the proposed Joshua Tree additions would also enhance the manageability of boundaries by shifting them from straight section lines that have no relationship to on-the-ground realities, to identifiable features such as roads, a powerline corridor, and the Colorado River Aqueduct.

At Death Valley National Monument, over a million acres of expansion proposals include adding the northern end of Death Valley itself--an important area that has been arbitrarily omitted since the monument was established in 1933. Other outstanding and worthy additions include the southern end of Eureka Valley with its spectacular Eureka Dunes, the rugged Last Chance Range, the awesome wildness of Saline Valley, and the northern part of Panamint Valley and its beautiful, unspoiled Panamint Dunes--all of these lands located around the northern part of Death Valley National Monument. Then there is the section of the Owlshead Mountains lying just outside the southern end of the monument, as well as parts of the Funeral and Greenwater mountains to the east. Some of these and other key additions would appropriately adjust stretches of the monument boundary away from straight section lines and onto identifiable topographical features of the land.

Regarding the East Mojave desert, we strongly endorse S. 7's objective of achieving enhanced protective management of the vast, scenically magnificent 1.5-million-acre East Mojave National Scenic Area (EMNSA). This grand expanse of desert lies mostly between I-15, I-40, and the Nevada state line. It combines a wide variety of natural assets--notably a grand array of boldly upthrusting "sky island" desert mountains, the second highest sand dunes in the country, an extensive field of relatively recent cinder cones, intriguing rock formations, the most extensive Joshua Tree forest in the Mojave Desert, a wide range of life zones and habitats, and broadly sweeping desert valleys that in some years become blazing multi-hued carpets of spring wildflowers.

The area also contains a rich heritage of archaeological and historic resources, including Chemehuevi village sites, petroglyphs, and the remnants of 19th century Fort Piute, the Mojave (military) Road, several ghost towns from early mining days, and the historic and attractive Union Pacific Railroad depot at Kelso.

In 1981, in response to public pressures that this relatively unspoiled part of the California desert merits special management to protect its overall scenic integrity, the Department of the Interior designated it as the East Mojave National Scenic Area. Under BLM's management philosophy statement, the agency indicated that EMNSA would be accorded a high priority, relative to the California desert as a whole, for implementing policies and management activities under the California Desert Plan. The area, said BLM, was to become "a model for multiple-use management."

While historic uses of the area, such as mineral development, utility facilities siting, livestock grazing, and a variety of recreational and educational pursuits would continue, the agency stated it was setting out to "provide special emphasis on impact reductions."

Since 1981, BLM has made some limited headway on matters such as realty exchanges (some 15,000 acres of railroad realty interests have already been exchanged out of EMNSA), mineral development mitigation, and public education.

It has been clear, however, that BLM has been severely handicapped in the East Mojave, as throughout the California desert, by a chronic shortage of funds and staffing, and by an agency orientation that has failed to grant a higher priority to such vital aspects of land management as resource protection. Even if BLM's "model of multiple-use" had been achieved, which has not occurred, this would still be insufficient protection for this fragile and unique area.

Consequently, the need has been steadily mounting for some form of increased, secure protection for the East Mojave. S. 7's proposal to establish a Mojave National Park would give the area both the highest possible protective status and the greatest national recognition of any land designation option. This action is urgently needed if the East Mojave is to be preserved.

The current uses and developments of the East Mojave are resolvable or mitigatable. But they nevertheless present significant land management and protection challenges that should be recognized as impairing what might otherwise have been a truly pristine environment. As has been occurring in Redwood National Park to restore a logging-impaired watershed and at Death Valley National Monument to reduce mining impacts, some kind of comprehensive desert rehabilitation program should be devised when Mojave National Park is established. Even if the park is not established, the East Mojave should be given greater protection, funding, and staffing under BLM.

Finally, S. 7 proposes establishment of many new wilderness areas--including much of Death Valley National Monument and proposed additions to both Death Valley and Joshua Tree National Monument; outstanding parts of the East Mojave, such as the Kelso Dunes, Granite Mountains, Providence and South Providence Mountains, Castle Peaks, and Clark Mountain; and other wilderness-worthy places scattered across the California desert.

S. 7 is responding to a very grave reality: that there is a steadily accelerating degradation of the fragile California desert environment. There is an urgent need now, before it is too late, for the Congress to authorize protection of key areas that deserve National Park System protection, wilderness protection, and enhanced BLM protective management. Time is rapidly running out for this opportunity. We urge prompt favorable action on S. 7.

HBJ

HARCOURT BRACE JOVANOVICH PUBLICATIONS

1700 EAST DYER ROAD, SUITE 250, SANTA ANA, CALIFORNIA 92705 (714) 250-8060

July 31, 1987

The Honorable Dale Bumpers, Chairman
Public Lands, Nat'l Parks & Forests Subcommittee
Senate Energy & Natural Resources Committee
Dirksen Senate Office Bldg., Room 364
Washington, D.C. 20510

Dear Mr. Chairman:

I represented ACORP, the American Coalition of Outdoor Recreation Publishers, at the recent Senate hearings on the S-7 bill.

During the hearings Senator Wilson asked Dr. David Hess (California Association of 4-Wheel Drive Clubs) if the off-road community is satisfied with the amount of open space that the S-7 bill provides. His affirmative answer was shocking to me and others who represent a much broader group of off-road vehicle users.

Under the present CDCA plan, 40% of the 25 million acres are available for full or partial use by off-road vehicle users. With S-7 only 17% will be available. Condensing all of the off-road vehicle users into this area is not satisfactory to us. We believe that it will significantly reduce the personal enjoyment of the area that our users now experience and could even contribute to increased injuries due to condensed traffic in the smaller area.

We believe that the existing CDCA plan fairly divides the desert up for multiple use and we urge you to support it as the final solution to this controversy.

Mr. Chairman, we request that this point be included into the final report of the hearings. Thank you for the opportunity to clarify this point.

Sincerely,

Don Emde
Publisher
Dealernews Magazine

AKIN, GUMP, STRAUSS, HAUER & FELD
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1333 NEW HAMPSHIRE AVENUE, N.W
SUITE 400
WASHINGTON, D.C. 20036
(202) 887-4000
WRITER'S DIRECT DIAL NUMBER 887-4099

DALLAS OFFICE
4100 FIRST CITY CENTER
1700 PACIFIC AVENUE
DALLAS, TEXAS 75201-4618
(214) 969-2800

LONDON OFFICE
31 CURZON STREET
LONDON, W. 1
(01) 409-1093

NORTHERN VIRGINIA OFFICE
3110 FAIRVIEW PARK DRIVE
SUITE 450
FALLS CHURCH, VIRGINIA 22042
(703) 876-5060

AUSTIN OFFICE
2100 ONE CONGRESS PLAZA
111 CONGRESS AVENUE
AUSTIN, TEXAS 78701
(512) 499-6200

SAN ANTONIO OFFICE
1500 INTERFIRST PLAZA
300 CONVENT STREET
SAN ANTONIO, TEXAS 78205
(512) 270-0800

FORT WORTH OFFICE
2604 TEXAS AMERICAN BANK BUILDING
FORT WORTH, TEXAS 76102
(817) 336-1400

August 5, 1987

Ms. Beth Norcross
Professional Staff Member
Public Lands, National Parks
and Forests Subcommittee
308 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Beth:

Please find enclosed a statement by Asamera Minerals (U.S.) Inc. on S. 7, the California Desert Protection Act. We respectfully ask that it be included in the formal record of the Committee's hearings on S. 7 on July 21 and 23.

We appreciate your consideration.

Sincerely,

Harry R. Silver
John Markus
Janis C. Long

Enclosure

cc: Edwin G. Morrow

ASAMERA MINERALS (U.S.) INC.
Lakeside Plaza
6121 Lakeside Drive, Suite 130
Reno, Nevada 89511-8502
Telephone 702-825-7700, Telex #6974371

July 30, 1987

Statement to the U.S. Senate Committee on Energy and National Resources Regarding S.7, the "California Desert Protection Act" - July 30, 1987

Asamera Minerals (U.S.), Inc. is a mining company based in Reno, Nevada. Its principal activities include exploration and development of precious metals in several western states. Asamera operates an active gold mine in Wenatchee, Washington, and is currently engaged in exploration activities in Inyo County, California, on lands which would be affected by S.7, the "California Desert Protection Act."

Asamera purchased rights to a number of patented and unpatented mineral claims in the vicinity of the Cerro Gordo and Malpais Mesa areas of the California desert in October 1985. In total, these claims involve approximately 13,000 acres. Asamera purchased these mineral rights only after it had carefully analyzed the requirements of the Federal Land Policy and Management Act, the California Desert Conservation Act, and land use guidelines established pursuant to those laws, and determined that Asamera's mining activities could exist under the rules and restrictions then in effect. In addition, BLM recommendations regarding the future classification of the lands surrounding the company's holdings were fully compatible with conducting mining activities on its claim. Based on Asamera's experience in mining in environmentally-sensitive areas, the company was confident that the project was feasible, particularly since several of the most promising exploration areas were located in the Cerro Gordo District, an area which has been the site of extensive mining activity for about 120 years.

To date, Asamera has invested over $1 million in connection with its claims in Inyo County. The money has been spent on, among other things, extensive surface sampling, geophysical testing, and exploratory drilling for gold, silver and other minerals. The preliminary results of these exploration activities are strong indications of commercially valuable ore bodies, especially in the Cerro Gordo area. Obviously, Asamera would like to continue its activities in these areas. The company is concerned, however, that enactment of S.7 in its current form would preclude any further exploration or development of minerals.

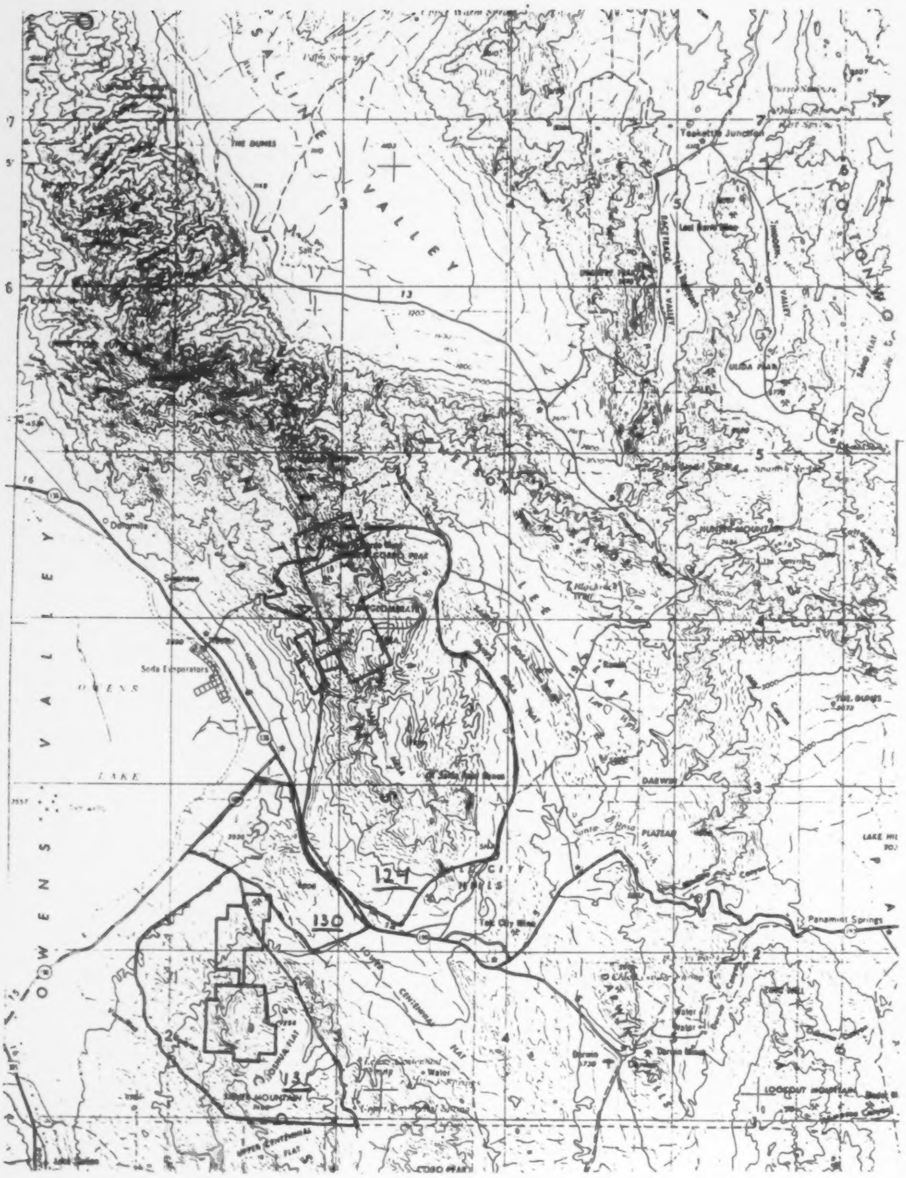
Under S.7, portions of Asamera's claims would be included in three separate wilderness areas -- approximately 2,000 acres in the proposed Inyo Mountains unit, approximately 2,000 acres in the proposed Malpais Mesa unit and, 5,000 acres in the proposed Coso Range unit. Asamera does not believe that the areas covered by its claims qualify for wilderness designation under the provisions of the 1964 Act. Extensive evidence of man exists in these areas including abandoned mines, old tram lines, short tunnels, diggings, and other impacts from mining and exploration activities in the area since the mid-nineteenth century. The southeastern corner of the proposed Inyo Mountains unit actually extends within approximately 150 yards of occupied dwellings located within the town of Cerro Gordo. In addition, many of the areas are intersected by a series of roads and jeep trails, including at least one which is used on a daily basis by area residents.

It is for these reasons that the Bureau of Land Management has recommended that these areas not be considered for wilderness designation.

As a company that has always acted in an environmentally responsible manner, Asamera recognizes the need to protect portions of the California desert from development or other uses that would preclude future enjoyment of these areas. The company recognizes the wisdom of protecting unique, delicate or pristine areas from the encroachment of man and his activities. However, the company also believes that designation of areas as wilderness must be balanced against the effects such designation will have on existing activities and resources of the area. Careful evaluation should be made of the highest and best use of the land before any designation is made. An area designated as wilderness should truly be an area which has wilderness characteristics and which can be effectively administered and protected. Great care should be taken to identify manageable boundaries which will protect such areas without unreasonably affecting responsible development or other uses of adjacent lands.

In sum, Asamera supports the efforts of Senator Cranston and others to resolve the status of the desert lands of California. The company believes that the most significant conflicts between S.7 and mineralized areas claimed by Asamera can be resolved through reasonable boundary adjustments. Toward this end, company officials would welcome the opportunity to meet with members of the Committee or their staff to discuss specific areas of concern.

Asamera appreciates the opportunity to present its views to the Committee on this important legislation.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JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE

350 McALLISTER STREET, ROOM 6000
SAN FRANCISCO 94102
(415) 557-2544

(415) 557-8969

August 5, 1987

AUG 6 RECD

Express Mail

Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands & Natural Parks & Forests
Committee on Energy & Natural Resources
United States Senate
Room 308, Dirksen Senate Office Building
Washington, DC 20510-6150

Re: Hearings on the California Desert Protection Act, S.7.

Dear Senator Bumpers:

Enclosed is the written testimony of John K. Van de Kamp, Attorney General of California, in support of S.7., the California Desert Protection Act.

Please enter the Attorney General's testimony in the Subcommittee's official record of the hearings on this legislation, which were held on July 21 and 23, 1987.

Very truly yours,

JOHN K. VAN DE KAMP
Atttorney General

Clifford Rechtschaffen

CLIFFORD RECHTSCHAFFEN
Deputy Attorney General

CR:cg

Encl.

TESTIMONY OF
JOHN K. VAN DE KAMP
ATTORNEY GENERAL
OF THE STATE OF CALIFORNIA

Before the United States Senate
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands and Natural Parks and Public Lands

Concerning the California Desert Protection
Act, S.7

August 5, 1987

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to testify on behalf of the people of the State of California regarding the Desert Protection Act.

Congress now has the opportunity to create three new national parks and designate 4.5 million acres of land as wilderness in the California desert. As California's Attorney General, I have independent authority to represent the public interest, and along with other State agencies, I have the legal responsibility to protect the natural resources of the state from pollution, impairment, or destruction. Today, I am submitting testimony in support of the California Desert Protection Act, S. 7 and H.R. 371, introduced by Senator Cranston and Congressman Levine.

The California desert is an extraordinary place--rugged, isolated, dramatically beautiful, and rich in outstanding resources. Its territory is diverse, consisting of mountain ranges, extinct volcanoes, as well as the largest joshua tree forest in the world, and supports a wide variety of plant and animal life. More than 760 wildlife species live in the desert, including thirty-four which are threatened with extinction. Botanists estimate that there are over 700 species of flowering plants in the area. Because many of these plant and animal species live to remarkable ages, often in very harsh circumstances, they contain a wealth of valuable genetic information.

The desert is also extremely rich in cultural and archaeological resources. Human beings lived in the desert 12,000 years ago, possibly even 20,000 years ago, and many unique artifacts from these inhabitants remain. Some archaeologists suggest that the desert contains the largest collection of Indian rock art in the world.

As Congress noted in the Federal Land Policy and Management Act (FLPMA), the desert's resources are also extremely fragile, easily scarred, and slowly healed. The damage done to these resources by most human activities is severe and long-lasting. Surveys by various federal agencies have documented the extensive harm to desert wildlife, vegetation, soils and cultural resources which results from intensive use of an area, particulary by off-road-vehicles ("ORVs"). For example, a 1979 report by the Council on Environmental Quality concluded that "ORV damage to the desert's natural resources, in a relatively brief time -- less than 20 years -- has been great." The report went on to note that the natural areas damaged by ORV's could never really be reclaimed in the sense of restoring the natural ecosystem, because "[i]t is not humanly possible to reconstruct the complex and delicate interrelationships which have developed over a vast stretch of evolutionary time."

All of the wilderness and park lands proposed by the legislation have been surveyed by federal agencies and found to possess outstanding resource values. I support the Desert Protection Act because it would provide permanent protection to these areas. The desert is increasingly threatened by the large and growing population just a day's drive away, and the escalating demands of a variety of consumptive users. Moreover, there is substantial evidence that under the stewardship of the Bureau of Land Management ("BLM"), sensitive and irreplaceable resources in potential wilderness areas are being damaged. In my view, these areas will remain vulnerable to harm unless they are afforded wilderness designation, and all disruptive human activities within them phased out.

I recognize that the legislation has engendered much controversy among those who would prefer to see the desert's wildlands allocated for other purposes. I believe, however, that the bill strikes a reasonable balance among the range of desert interests. The legislation permits a wide variety of existing commercial and recreational uses to continue, and leaves vast areas of the desert open for other human activities. Only 7.5 million acres of the 25 million acres which comprise the California desert are affected by the statute.

Some of the most vigorous opposition to the legislation has come from the ORV vehicle community. In my view, the bill reflects a thoughtful accomodation to this important recreational activity. Only minor changes are made in the areas which are currently open for ORV usage. The great majority of unpaved, as well as unmaintained, roads in the desert will remain open. In addition, 92% of the region which the BLM currently has zoned to permit ORV usage (an area totalling approximately 770,000 acres) is unaffected. It is also noteworthy that approximately 700 miles of the most popular ORV pathways have been "cherrystemmed" into the wilderness areas, meaning that these routes, which cut into the heart of the wilderness areas, will remain accessible to ORV users.

The bill is also careful to minimize any disruption on existing mining operations. The boundaries of the proposed park and wilderness areas have been drawn to exclude the major commercial facilities currently in operation, including those at Mountain Pass, Boron, and Searles Lakes. Moreover, all patented mining claims in the prospective wilderness areas are protected, and claimholders can proceed with extraction and processing activities. Unpatented claimholders can also proceed with extraction activities if they demonstrate to the BLM the existence of an economically recoverable deposit.

There has been much debate over the long-term mineral potential of the lands designated for wilderness. Although there is no evidence that any known reserves of minerals exist within these areas, I realize that we cannot definitively say what the ultimate yield of these areas might be. Nonetheless, I believe it is prudent to limit further exploration at this time. The areas presently reserved can always be reopened in the future if events so dictate; on the other hand, once an area's wilderness character is altered, it can never be restored.

I also understand that a number of cities in the desert and neighboring counties are concerned that the legislation will have an adverse impact on their economic base. In light of the fact that most existing activities in the desert are permitted to continue under the legislation, these concerns seem exaggerated.

Moreover, there is a good deal of evidence that the designation of three new national parks within the desert will in fact provide a substantial boost to local economies, by attracting new tourists to the area.

The issues presented by this legislation, as with all wilderness allocation matters, are not easy ones. However, I believe that society cannot afford the price of not preserving this magnificent desert territory. Of our nation's enormous territory, only a tiny fraction remains undeveloped and unscarred by man; the desert wilderness, because of its close proximity to the population mass of Southern California and its extremely fragile ecoystems, is particularly threatened. In my view, one must weigh whatever immediate benefits may derive from intensive use and development of desert against the irrevocable damage which is done to the ecological, wildlife and historical resources of the desert, resources which have endured for centuries. I believe that is unwise to allow these areas to be degraded now, rather than to preserve them for future generations to decide the wisdom of development if that is necessary.

The desert, and its inhabitants and resources, is a national treasure, requiring care and protection for perpetuity. It is imperative that we safeguard this treasure now, before it is damaged forever.

Thank you.

P.O. Box 269
Porterville, California 93258
August 4, 1987, Tuesday

Senate Subcommittee on Public Lands, National Parks, and Forests
United States Senate
Washington, D.C.

Enclosed are some supplemantary materials for the hearing record and/or files regarding Senator Alan Cranston's S. 7, the proposed California Desert Protection Act.

Materials that I recommend for the official record:

1. Letter from the Porterville Area Environmental Council.
2. "ORVs: Often Rough on Visitors," article by Bob Badaracco.
3. My 1 page summary of areas I represented at the hearings (I make a special plea to have this printed in the official record!).
4. California Wilderness Coalition Member Groups alluded to in my written testimony.
5. "Researcher says natural views lower stress" article which suggests that "wilderness" views or natural surroundings can reduce stress even to the public which would motor through the desert.

Other materials for the record or for reference purposes to be kept on file:

1. "A Botanical Scanning of the Kern Plateau" which gives what the title suggests and which includes references to areas cover in S. 7. I have marked appropriate sections.
2. Two articles on species new to science discovered in areas to be protected by provisions in S.7. SEVERAL OTHER ARTICLES ARE FORTHCOMING INCLUDING AN ARTICLE TALKING ABOUT THE UNIQUENESS OF THE SOUTHERN SIERRA CREST REGION BOTANICALLY.
3. Habitat evaluation on Bighorn Sheep for the Southern Sierra. Dome Land Additions as proposed in S. 7 were determined to be #1 reintorduction area in Kern County. Owens Peak proposal in S.7 adjacent thought ot be "spill over" area for expanding herd from Dome Lands (Only a road corridor separates the two proposals).

Thank you for your kind attention and thank you for the opportunity to testify at the July hearings for S. 7.

Sincerely,

R. Barnes
Robert A. Barnes

cc: Senator Alan Cranston
Senator Pete Wilson
Representative Mel Levine
Representative Rick Lehman
Represnetative "Chip" Pashayan
Representative Bill Thomas

PORTERVILLE AREA ENVIRONMENTAL COUNCIL
P.O. BOX 588
PORTERVILLE, CA. 93257

July 16, 1987

Dear Congressmen;

The Porterville Area Environmental Council wishes to encourage you to support S. 7 (Cranston) which would establish the Mojave Desert National Park. Our Western Deserts are unique, spectacular, and fragile ecosystems known around the world, and they deserve National Park status for their protection and for the enjoyment of posterity.

The area features spectacular mountain ranges, the world's largest Joshua Tree forest, 600' high sand dunes, and numerous archaeological sites. S. 7 would also transfer 20,500 acres of threatened scenery to the proection of Redrock Canyon State Park and protect 1,920 acres of desert lilie sanctuary. The Bill also gives protection of Wild Status to 4.5 million acres of beautiful BLM wilderness containing the pinon clad Inyo Mountains.

Establishment of such a National Park would also help to improve the economy by fostering publicity and encouraging travel and visits to the Desert National Park.

Thank you for your time and interest in this matter.

Sincerely,

Don Zuckswert

Don Zuckswert
Chairman

ORVs: Often Rough on Visitors

by Robert J. Badaracco

THE PROLIFERATION of off-road vehicles is an explosive phenomenon, both in the conflicts it has generated and in the suddenness and rapidity with which ORVs have taken their place as artifacts of the twentieth century.

Fifteen years ago off-road vehicles were virtually unknown. Today, more than seven million are operating in the United States. Almost 2 1/2 million trailbikes and minibikes were sold in 1970. Snowmobiles, which accounted for 259 sales in 1959, reached total sales of two million in 1973.[1] All-terrain vehicles increased from 2,000 manufactured in 1967 to 18,000 in 1971. An estimated 200,000 dune buggies were in operation nationally in 1972.[2] A 1970 Gallup Poll showed that one of every 10 households in the United States had a motorcycle.[3]

In California, a million or more off-road vehicles of various types are in operation. (The exact figure is unknown since only a small percentage of off-road vehi-

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Mr. Badaracco is the lead outdoor recreation planner on the California Desert Plan Staff of the Bureau of Land Management.

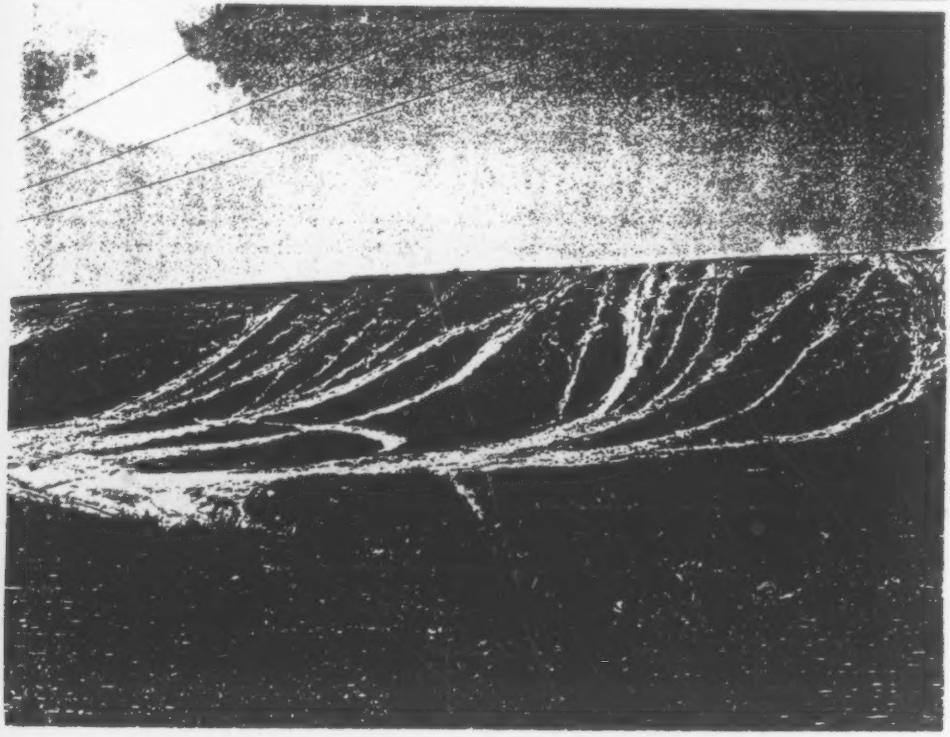
Participants in the Barstow-Las Vegas Motorcycle Race in the California desert move into the starting lineup.

In a nation rapidly losing its open space and beset with outdoor recreation conflicts, it is no wonder that millions of new off-road vehicle enthusiasts, riding about the hinterlands that were once the quiet province of the hiker and the nature lover, have introduced new problems.

cles have been registered—220,000 as of February 1976.) Most of these are motorcycles.[4] An estimated three-quarters of a million four-wheel-drive vehicles operate in the state.[5] California also has about 15,000 registered dune buggies, 150 go-carts, two dozen golf carts, and three ex-military tanks.[6] In a nation rapidly losing its open space and beset with outdoor recreation conflicts, it is no wonder that millions of new off-road vehicle enthusiasts, riding about the hinterlands that were once the quiet province of the hiker and nature lover, have introduced new problems.

Much has been written regarding the biologic and physical impacts of off-road recreational vehicles upon soil, vegetation, wildlife, and cultural resources. Considerably less attention has been focused on the conflicts between participants in traditional, nonmechanized outdoor recreational activities and those in activities involving motorcycles, dune buggies, snowmobiles, and other off-road vehicles. This two-part article presents first a literature review of research and studies which concern these conflicts, and secondly, an analysis of related underlying factors and implications.

Hill climbing with light motorcycles has contributed to gully erosion in Henry Creek Canyon in Idaho. (Soil Conservation Service photo.)



PART I—AN OVERVIEW OF THE LITERATURE

Research literature indicates considerable negative, often intense, sentiment toward off-road vehicular activities. In a review of research conducted on the subject, the author found no studies which identified positive feelings toward off-road vehicle users among participants in nonmechanized recreation activities.

The parameters of the conflict are well summarized in a study of attitudes toward off-road vehicles at the Back Bay National Wildlife Refuge:

> On the one hand are those individuals and groups who see ORVs as fun and desirable and maintain that as a result of beneficial aspects of ORV use (e.g., the social interaction involved in the use of such vehicles, the opportunities for individuals of all ages to utilize the outdoors, and the economic impact of vehicular sales and use), public recreation agencies have a responsibility to provide opportunities for their use. In direct contrast are those individuals and groups, primarily nonusers, who believe ORVs to be damaging and disrupting to the environment, and who view ORV use as undesirable and unnecessary both from a societal and from an environmental point of view.[7]

Similarly, a 1975 California Department of Parks and Recreation report concludes:

> Among the greatest of these problems is the intense and often emotional conflict between ORV users and nonusers. Nonusers fault users for the noise they make, for disturbing wildlife, for damage to vegetation and soil, and for the growing incidence of theft, property damage, and vandalism found in association with the use of such machines . . . . It is clear that the differences between ORV users and those who protest their intrusion and the damage they cause will be irreconcilable.[8]

A U.S. Department of Interior report on ORVs states that "conflicts between motorized and nonmotorized recreationists are of a truly serious nature,"[9] while one researcher of off-road vehicle noise states that "many people still do not accept the ORV as a wholly desirable artifact of our way of life."[10]

The third annual report of the Council of Environmental Quality pointed out that in addition to impacts on physical resources, ORVs "conflict sharply with more traditional uses of natural areas by hikers, backpackers, horseback riders, and campers."[11] The council's fifth annual report states that "when misused, ORVs damage soil and destroy vegetation, disturb wildlife, destroy wildlife habitat, bring noise, litter, and vandalism to previously remote areas, and seriously disrupt other forms of outdoor recreation."[12]

Various forms of outdoor recreation are inherently incompatible. This is especially true in situations where self-propelled recreationists (hikers, canoers, bicyclers, backpackers, ski tourers, etc.) confront outdoor recreationists using motorized vehicles.[13]

A study of outdoor recreation in Vermont found that motorized vehicle users conflicted with fisherman, landowners, campers, swimmers, homeowners, and hikers.[14] Another survey of campground users in the state parks and national forests of Washington State showed dislike for campers with motorbikes by other campers. The other campers felt that the presence of motorbikes detracted from their camping experience, so much so that it was first on a list of disliked factors measured by the survey.[15] In Oregon's state forests "conflicts between the users of trail bikes and the rest of the recreating public are increasing," according to one report.[16]

Two studies at the Boundary Waters canoe area in Minnesota found that motorboaters substantially detracted from the enjoyment of users of nonmotorized boats even though motor use was slight. Most canoers disliked meeting motorboats. Even nearby logging activities were looked upon less negatively than motorboats.[17]

A 1973 carrying capacity study asserted that in backcountry areas "the major conflict is between the mechanized and nonmechanized recreationists. Most of the nonmechanized visitors have a strong aversion to mechanized use."[18] A 1970 study of off-road vehicle conflicts stated that "trail bikes and motorcycles on Bureau of Land Management lands have caused dust and noise acceptable to other drivers but obnoxious to campers, hikers, and ranchers," and that "similar conflicts exist between snowmobiles and cross-country skiers."[19]

Both the traditional outdoor recreationist and the off-road enthusiast require great space: the former for the generally sought values of solitude and serenity and the latter, if not for the same reasons, then at least as a requirement to carry on an activity which itself demands space.

Outdoor recreation research in the Mark Twain National Forest indicates that motorcyclists conflict with almost every other recreation user, and that dune buggies create similar antagonisms.[20]

A group of University of California at Irvine students investigating attitudes of desert residents in Joshua Tree, California, found a negative regard toward ORVs: "Every realtor and retailer contacted by personal interview mentioned that they personally knew of or had heard complaints from other residents about some offensive off-road vehicle user."[21] As a result of citizens' objections to ORV use on desert lands, San Bernardino County, which embraces a vast portion of the California desert, has passed an ordinance forbidding ORV use on private land without permission from the owner.

Unsurprisingly, ORV nonusers' attitudes toward off-road vehicle enthusiasts differ from the off-roaders' opinions of themselves. One campground conflict study

While virtually all studies of off-road vehicle recreationists and other recreationists who use the same areas indicate hostility on the part of the ORV nonusers toward ORV enthusiasts, the reverse is not true. This may be called the one-way effect.

found that most campers "perceive motorcyclists as self-centered, antisocial, inconsiderate of the rights and feelings of others, highly motivated, and unintellectual. By comparison, the rider perceived himself as socially accepted, highly motivated, and considerate of the feelings of others; however he rated himself lowest in the intellectual dimension."[22]

An Arizona recreation use study concludes that off-road vehicle use "is a recreational activity which demands space, erodes aesthetic land values such as scenery and remoteness, and in areas where intensive activity occurs, is damaging to vegetation soil, water, and other forms of outdoor recreation."[23]

One-Way Effect

While virtually all studies of off-road vehicle recreationists and other recreationists who use the same areas indicate hostility on the part of ORV nonusers toward ORV enthusiasts, the reverse is not true. This may be called the "one-way effect." (Antagonisms do develop, however, on the part of off-roaders toward ORV nonusers when the latter voice opposition to ORVs or attempt to limit or curtail the use of off-road vehicles.) Opponents of off-road vehicles contend that their satisfactions are directly impaired by the presence of ORV users. On the other hand, the ORV nonusers do not impact the activities of the off-road vehicle enthusiasts.

One report reasons that "the one-way nature of the conflict probably helps to explain the lack of understanding between conflicting groups. The motorized vehicle literally destroys the quiet, undisturbed, natural environment the self-propelled recreationist is often seeking. The vehicle operator is often quite tolerant, even oblivious, of the person on foot."[24]

Two Boundary Waters studies also disclosed the one-way effect. While motorboaters at the Boundary Waters area substantially detracted from the enjoyment of canoers, the motorboaters tolerated other recreational uses at high levels. Visitors using powerboats did not distinguish between the types of recreationists they encountered, yet the dislike for motorboaters by canoeists was intense.[25]

Research on carrying capacity and backcountry recreation found that "conflicts between snowmobile operators and cross-country skiers and snowshoers are intense. It is a one-way conflict; the mechanized users do not dislike the nonmechanized users."[26]

In a study of Ohio trail users, it was found that the majority of trail users enjoy meeting other trail users traveling by less mechanized means: 78 percent liked meeting hikers, 48 percent liked meeting horsemen, 39 percent liked meeting bicycle riders, and 16 percent liked meeting motorcyclists. Sixty-six percent of the sample respondents felt that meeting motorcyclists on a trail was undesirable. Hikers, bicyclists, and horseback riders all reacted to motorcyclists more negatively than amongst themselves. In short, most users enjoy meeting on trails their own kind or those traveling by less mechanized means.[27]

Spatial Conflicts

Many studies demonstrate that spatial conflicts underlie much of the hostility of traditional outdoor recreationists toward off-road enthusiasts. Both groups require great space, the former for the generally sought values of solitude and serenity and the latter group, if not for the same reasons, then at least as a requirement to carry on an activity which itself demands space. Greater speeds demand greater spatial requirements. There is evidence that ORV users demand space for other reasons as well. The California off-road vehicle study points out that "most ORV recreationists . . . value their machines because they give a sense of freedom and allow unhampered exploration of large, remote areas."[28]

Numerous studies point to the quest for solitude amongst wilderness enthusiasts. One such representative backcountry study identified mechanized recreation as *the* major use conflict in backcountry or roadless area recreation management.[29]

A 1973 snowmobile and ski tourer study explains that "outdoor recreation is especially prone to conflict because it is in outdoor recreation that the values of solitude, freedom, and property are deliberately sought, and it is these values which are most vulnerable to crowding."[30]

After studying campers' values and behavior in Washington state parks, one researcher found that 87 percent of the campers sought the emotional satisfactions of solitude and tranquility in their camping experiences. Fifty-seven percent desired complete isolation from people other than those in their own camping party, while 74 percent of those surveyed indicated a strong dislike for people using motorcycles in campgrounds.[31]

An outdoor recreation study in Vermont points out that "groups causing the greatest amount of conflict seem to be those that require fairly large land or water areas for their activity, make use of private land, and do not have designated areas for their sport."[32]

A study of snowmobilers and ski tourers in Wyoming also showed that snowmobilers are more tolerant of crowding and actually prefer areas where other snowmobilers have traveled.[33]

A Boundary Waters Canoe Area study concluded that "all resources are determined by human perception. The importance of resource perception is particularly obvious for recreational, scenic, and amenity resources because of

Continued on page 68

OFF-ROAD VEHICLES

Continued from page 35

the internal, personal, and subjective way such resources are used."[34]

Noise

Of all the problems related to off-road vehicles, noise is one of the most often cited sources of discontent and emotion amongst other recreationists. One study of motorcycle use and conflict in campgrounds states the problem colorfully:

> The raucous sound once heard only on motorcycle racetracks and around Hell's Angels' hangouts is now almost as ubiquitous as the automobile horn. According to all indications, this sound that shatters reverie, wakens babies, and worries parents, will not decrease but will grow at an astronomical rate.[35]

The noise generated by off-road vehicles may reach levels of 100 decibels at 50 feet or more. This intensity of sound is greater than a power mower, jackhammer, or the New York subway. Jet takeoffs and air raid sirens are louder. Noise from certain ORVs is loud enough to cause permanent hearing damage to both operator and passengers, as well as disturb the tranquility of others nearby.[36]

A study of noise from recreational vehicles points out that conflicts have grown with the increase in numbers of ORVs. It is probably reasonable to assume that psychosocial variables are of great importance in conflicts between participants in mechanized and nonmechanized recreation activities. In one researcher's words, "Someone who has spent time, money, and effort to get away from the hubbub of the city in order to hike is not going to be very tolerant of trail bikes."[37] Another researcher also emphasizes the same intolerance on the part of urbanites seeking recreation refuge in the wilds and adds "the mere perception of ORV noise is sufficient to degrade the environment significantly for many users."[38]

A noise study conducted in Utah found that motorcycles caused more noise annoyance than any other source at the Rockport Reservoir recreational area, even though there were very few of them in the park. Sailboaters were more annoyed than the average park visitor. Twenty-three percent of the park visitors interviewed indicated annoyance from motorcycle noise, and an almost equal number were annoyed by motorboat noise."[39]

In the University of California at Irvine study of desert land use and ORVs, ORV nonusers cited concern over noise above all others except for a general regard for the fragility of the desert.[40]

A camping study in Washington State found that 35 percent of campground users felt that noise was an intensifying outdoor recreational problem.[41]

Another campground study concluded that campers in one study area disliked motorcycle noise more than any other undesirable factor.[42]

A Department of Interior study on off-road vehicles identified "adverse psychological effects" of ORV noise upon other recreationists,[43] and a 1974 study on snowmobiles and ski tourers describes the ski tourers' reaction to snowmobile noise as "abhorrent."[44]

Noise tolerance by ORV users, on the other hand, is high. Trail bikers, snowmobilers, and water skiers do not share the same disgust for noise as do hikers, hunters, primitive campers, fishermen, snowshoers, nature observers, and cross-country skiers.[45]

69

Reactions to recreational noise vary with one's built-in attitudes and perceptions—that is, they are as much psychological as physical. An investigation of campsite noise points out that "acoustical research has demonstrated that the connotation of perceived meaning of a noise is more important in determining its effect on the listener than the level of intensity or frequency and duration of the noise." In other words, much of the problem lies in the fact that noise represents the presence of other humans and their activities when one has attempted to get away from other humans and their activities. Noise is less important where the desire for solitude is less important.[46]

The emotions generated by noise in outdoor recreation areas have roots in basic philosophies and psychosocial perceptions. Not only does noise conflict with traditional recreational pursuits (hiking, camping, picnicking, horseback riding, etc.) which seek quietude, but it strikes at the deep concerns of many modern day individuals whose "expectations continue to focus more on the quality of life." In short, sound which is perceived to be unnecessary, environmentally detrimental, or disturbing of the rights of others often elicits the fiercest reaction from the listener. Yet to the motorcyclist who has modified his bike's muffler or removed it completely, the high pitched, sputtering, two-stroke staccato evokes positive satisfactions. It is clear that the public's concern for noise will continue to grow.[47]

Researchers of mechanized vs. nonmechanized recreational conflict conclude that management controls involving some form of segregation or zoning are necessary to minimize conflicts and maintain the satisfaction of all outdoor recreationists. Two researchers in 1973 stated that "the conflict seems severe enough that areas open to mechanized, dispersed recreation must be recognized as unsuitable for nonmechanized use."[48] After studying snowmobile and ski tourer conflicts, two other researchers similarly concluded the necessity for "administrative controls" over how such conflict areas are managed and used.[49]

A campsite noise study indicates that human-related noises in campgrounds necessitate spacing to minimize recreational conflicts,[50] while an Ohio trail use study concludes that separate trails should be provided for mechanized and nonmechanized recreationists.[51]

Motorcycling and campground research conducted in 1973 at Land Between the Lakes National Recreation Area points out the following ranked (by participants in nonmechanized recreation activity) disadvantages of motorcycle areas adjacent to camp areas: (1) noisy, (2) out of place in natural setting, (3) frighten animals, (4) dangerous to spectators, (5) dangerous to riders, (6) dusty, (7) harmful to vegetation, (8) visually distracting, (9) smoke and fumes, (10) other. The recreationists surveyed felt that these undesirable factors should be contained by providing a separate area for motorcycle use. A Wyoming snowmobile study found similar user preferences for segregation of snowmobiles and ski tourers.[52]

Carrying capacity research at Boundary Waters Canoe Area in Minnesota demonstrates that mere rationing, restricting, or redistribution of recreation use to reduce congestion would "do little to offset the general dissatisfaction of canoeists who meet motorized parties . . . . Permitting motor use to continue reduces the carrying capacity of the area and can only result in an earlier need to restrict the number of people permitted in the BWCA."[53]

The U.S. Department of Interior off-road vehicle study concluded that areas should be "zoned" for various types of outdoor recreational activities.[54] The President's Executive Order of 1972, in recognition of the magnitude of the problem, set forth guidelines for off-road vehicles on federal lands, prescribing areas and trails so located as "to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses."[55] The public gave overwhelming support to the President's order as evidenced by a national public opinion poll conducted in four regions of the country by the Arctic Company.[56]

Finally, following repeated protests from local citizenry regarding off-road vehicular problems, (dust, noise, trespassing, damage, etc.) the California counties of San Mateo and Ventura as well as the city of San Diego passed ordinances effectively limiting the use of off-road vehicles in their jurisdictions. The counties of San Bernardino and Riverside have passed ordinances requiring that off-roaders have the permission of a private property owner before riding on his property. It appears that other cities and counties are now considering similar ordinances.

Recently, a group of 405 resource management professionals, commercial recreation people, population dynamics experts, ecologists, pollution specialists, and educators was enlisted in a Delphi study technique effort aimed at predicting future leisure environments in America. (The Delphi technique seeks answers to problems or insights into future conditions by summarizing the best judgments of specialists in given problem areas.) With regard to the problem of off-road vehicles in America, the group predicted that by 1980 use of all off-road vehicles would be restricted to designated areas; by 1985 maximum noise levels will be established; and by the year 2000 only travel systems that have a minimal physical and visual impact will be allowed in wildland recreation environments. Motorized vehicles will be excluded from all hunting areas as well by the year 2000, the group predicted.[57]

PART II—ANALYSIS OF CONFLICTS

Conflicts between participants in mechanized and nonmechanized outdoor recreation activities are indisputable realities. The consequences or long-term results of these conflicts—while not so apparent or easily understood—are nevertheless significant in terms of future trends in use and management of outdoor recreation in America. This section deals with these consequences, suggests some mechanisms involved, and identifies critical opportunities and responsibilities for recreation resource managers and planners.

Other Intrarecreational Conflicts

In order to place the problem in perspective, it should be noted that the mechanized vs. nonmechanized conflict is not the only one in outdoor recreation. Numerous other conflicts exist and have persisted for some time, but they are all minor compared to the ORV problem. Attention is focused on off-road vehicles because of the dimensions as well as the intensity of the conflict. Yet horseback riders sometimes conflict with hikers, who resent having to contend with trail surfaces which have been gouged, muddied, pulverized to dust, or laden with droppings. Hikers may resent the dominance or right-of-way the horsemen enjoy along the trail, and they may resent the fact that another recreationist can so effortlessly and rapidly negotiate terrain that they, the hikers, have worked so hard to cover. The purist hiker may even resent the presence of a horse, an alien creature, in nature's domain.

Birdwatchers will avoid areas utilized by hunters; campers often go to great lengths to avoid contact with other campers; nature students, landscape photographers, and painters avoid areas dominated by the activities of more "active" recreationists. Expert fly fishermen scrupulously seek out secluded haunts far from the throngs of bait fishermen lining nearer shores.

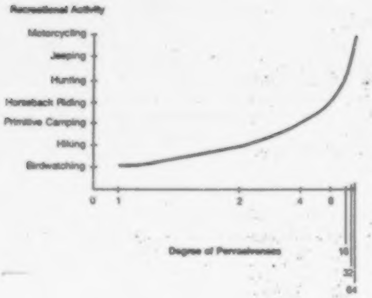
The Spatial Extensional Dilemma

The negative regard some outdoor recreationists hold for others is either the result of physical competition for the same space—one cannot safely skin-dive or swim in an area used by speedboats—or attitudinal, as in the hostility a backpacker may possess toward a motorcyclist he meets on a backcountry trail. The motorcyclist intrudes upon the backpacker's concept of wildness. Yet even the backpacker's attitudinal reaction is, in a sense, a function of space. He requires a vast amount of space to satisfy his preconceptions of wilderness and serenity. To him, the motorcyclist is an aesthetic, as well as physical, invader of his spatial domain. The motorcyclist, on the other hand, may require space only in the sense that he needs varied terrain in which to ride and enjoy his bike. He may or may not share the backpacker's quasi-spiritual or emotional feelings toward the concept of wilderness or untrammeled natural space.

Thus outdoor recreational conflict is spatial and extensional—spatial in that the offended party's physical or attitudinal space is violated by another, and extensional in that another has extended himself into that space. Recreational activities which may adversely affect others are generally highly active, assertive, consumptive, and noncontemplative. Conspicuousness is perhaps a common characteristic in all cases. One may extend his presence directly as on a bike or motorboat or indirectly through litter, tread marks, or physical impacts left behind or by the lingering smell of fumes, distant sounds of motors, or sights of dust plumes. These are all extensions of man, and it is precisely man that so many outdoor recreationists intrinsically seek to avoid. The magnitude of the off-road recreational vehicle problem lies in the fact that the off-road vehicle user can extend himself so pervasively into the physical and attitudinal space of virtually all other outdoor recreationists. He does this by his mobility, by the conspicuous sights and sounds he generates, and by the physical impacts or traces his vehicle so often leaves behind. The off-road vehicle is, in effect, a multiplier of man. An individual equipped with an off-road vehicle may equal the physical and aesthetic impact of many traditional users in an area.

Figure 1 plots a "spatial-extensional curve" which suggests the "degree of pervasiveness" of seven selected outdoor recreational activities, from birdwatching (among the least distracting or pervasive) to off-road motorcycling (among the most). The curve assumes an approximate doubling of distraction or pervasiveness between each of the listed recreational activities. If this doubling is

FIGURE 1
THE SPATIAL-EXTENSIONAL CURVE



in fact the case, off-road motorcycling would have a degree-of-pervasiveness rating 64 times that for birdwatching. This may or may not be the precise case, but it is clear we are dealing with a curve that is more geometric in its character than arithmetic. In short, distractions and dissatisfactions compound themselves rapidly in outdoor recreation as activities assume more pervasive characteristics.

The spatial-extensional dilemma is an old one, but before the advent and proliferation of off-road vehicles, it was of little social concern. It has become a critical recreational problem which is yet a long way from solution.

The ISD Syndrome

Impairment of satisfactions of other users is readily measurable merely by talking to disgruntled recreationists on site. As demonstrated in the first part of this article, impairment is a phenomenon well documented in professional outdoor recreation literature. Suppression and especially displacement are not as easy to identify (or at least few attempts by researchers and resource agencies have been made to identify them). Suppression is simply a reduction in participation by the annoyed recreationist at a given site (or sites) as a result of dissatisfaction with off-road vehicles (or other conflicting uses). Displacement is total abandonment of a site once the annoyed user has concluded that his satisfactions are no longer a match for his frustrations. Most park and resource professionals simply do not talk with the users who have been displaced. Consequently, it is a phenomenon not fully appreciated or understood and hardly mentioned in the professional literature.

It is suggested here that the ISD syndrome—that is, the progression from impairment of satisfactions to suppression of use to eventual displacement—is an outdoor recreational phenomenon of some common occurrence both on a specific site level and in terms of broader, national outdoor recreation trends.

Consider, for example, the case of Lark Campground. The campground, located just one hour's drive east of San Diego, is situated in a broad and beautiful valley, where coast and desert meet. Constructed about 1967, the quiet and isolated campground was in the beginning frequented by traditional outdoor recreationists, weekend family campers, older couples enjoying the sun, some hikers, and hunters. Gradually, the motorcyclists came, at first just one or two now and then, and eventually more and more. Upset by the noise, dust, and commotion, traditional weekend users began to complain, then disappear. Today, 50 percent or more of the former user types have been displaced; many who continue to come do so on weekdays when motorcyclists are not present.[58]

A content analysis of the 1970-75 campground registers at the Lark Campground discloses significant, adverse public reaction to the presence of motorcyclists in the area. Concerns center around noise, dust, disturbance, general commotion, and destruction attributable to off-road vehicle recreationists in the campground. The intensity of conflict and emotion is exemplified by these statements written in the register:

- "Nice, nice, very nice, except there needs to be some machinery to crush motorbikes and their riders."
- "Motorcycles race and run through this area until early hours in the morning and signs mean nothing. The noise and dust are terrible. Posted rules are not observed. . . . This is a beautiful campground and we had a wonderful time but were disappointed in excess noise."
- "Lousy. Everybody breaks the rules with motorcycles. You can't go any place to get away from them."
- "Motorcycles in this campground are driving people nuts that have come here to rest. . . . It happens every weekend."
- "Left early. Motorcycles start before 10:00 a.m. and run till after 8:00. Sorry we won't back again. We really like it here."[59]

A former local California Department of Fish and Game warden, writing of ORV noise at Lark Campground, offers this angry impression: "The off-road vehicle groups were driving out the quiet campers with noise (far into the night) and dust wherever they rammed their vehicles across, up, or down the terrain. There wasn't any relief for these people then or later. . . . They left, saying they would not try to camp there again until there was a change."[60]

The Lark Campground situation is not unique. Similar situations prevail at other California campgrounds and recreation use areas. The ISD syndrome very likely prevails to some extent wherever ORV users have substantially invaded the previous haunts of bird-watchers, hunters, photographers, sightseers, campers, and other nonvehicular-oriented outdoor recreationists.

The irony of the ISD syndrome is that administrators and managers tend to measure recreational demand on the basis of current participation rates. If a resource supervisor sees a given recreational activity prevailing at a certain site, he interprets this as a reflection of public recreational demand. If the site he observes is used to capacity, he may plan additional sites or programs for the same purpose, even though the previous users have been displaced. Thus the administrator may allocate additional opportunities to a group which has suppressed or displaced a former traditional group. In effect, the administrator, perhaps unwittingly, assists in the suppression and displacement of additional traditional users. Enough managers following the same course could well set into motion recreational evolutionary processes which change the character of outdoor recreation despite the intense feelings of a broader public. This may help to explain the transition of many national park campgrounds from rustic tent camps to essentially mobile home and motorhome pads, as park officials rushed in the 1950s and sixties to accommodate these new users which themselves impaired traditional experiences. Our knowledge of tent campers suggests that many do not enjoy camping amidst rows of motorhomes, trailers, and cab-over campers.

One perceptive researcher of wilderness users and carrying capacity touches directly on the matter in this insight:

> As the character of an area changes, either because of shifts in use or because of managerial programs, persons especially sensitive to these changes might "drop out"; use does not decline, however, as other persons drawn to the area perhaps because of the very changes that lead the former users to leave, enter the area. This process of "displacement" has not been clearly documented, but it has significant implications for the establishment of capacity guidelines.[61]

Implications for Planning and Management

The implications for recreational planning and management are clear. If impairment, suppression, and displacement are at all realities, then officials must cope with problems in light of these realities. The officials must understand the spatial-extensional dilemma. They must be aware of the levels of impairment, suppression, and displacement that have occurred in conflict situations. They should allocate the use of further resources on the basis of a true understanding of public recreational demand, not just participation rates. Participation rates alone can be faulty indicators of true public demand. In this last regard, officials responsible for determining recreational demand on public park and recreation lands must assume a new burden of going beyond obvious participant groups, however comfortable they are in dealing with them. They must seek out the "general public," through random and systematic polls and surveys, and determine its views and needs. The complexity and weight of societal concerns weighs heavily on the shoulders of the public today, already scornful and cynical of bureaucracies and public servants. It is too much to expect that John Q. Public will attend every public meeting, workshop, or forum on every issue that is of concern to him. The absence of his volunteered expression cannot be construed as apathy. Recent public opinion surveys show deep general public concern on issues where only special interest groups have taken the necessary efforts to make themselves heard. Recreational planning and management in the future must seek out the general public honestly, objectively, and routinely as part of the resource decision-making process. Even our limited knowledge of recreational impairment, suppression, and displacement justifies nothing less.

74

FOOTNOTES

[1] John Fialka, "Running Wild," National Wildlife; Council on Environmental Quality, "Fifth Annual Report," (Washington, D.C.: 1974).

[2] Stephen McCool and Joseph W. Roggenbuck, "Off-Road Vehicles on Public Lands: A Problem Analysis," Utah State University Department of Forestry and Outdoor Recreation, 1974.

[3] Bradley Wadley, "Incidence of Ownership of Motorcycles," The Gallup Organization, Inc., 1970.

[4] Barry Jones, personal communication, California State Department of Parks and Recreation, 1976.

[5] James Owings, "The Recreation Vehicle in California," Bureau of Land Management report, Riverside District, Riverside, California, 1974.

[6] Jones, personal communication.

[7] Steven Spencer Plumb, "An Analysis of Perceived Attitudes Toward Environmental and Sociological Effects of the Recreational Use of Off-Road Vehicles at the Back Bay National Wildlife Refuge," master's thesis, Pennsylvania State University, 1972.

[8] National Science Foundation, "Desert Land Use and Management in California: Its Ecological and Environmental Consequences," Grant No. GY-11425, University of California, Irvine, 1974.

[9] U.S. Department of Interior, *ORVs, Off-Road Recreation Vehicles*, task force study, (Washington, D.C.: Government Printing Office, 1971).

[10] Robin T. Harrison, "Off-Road Vehicle Noise-Effects on Operators and Bystanders," (Milwaukee: Society of Automotive Engineers, 1974).

[11] Council on Environmental Quality, "Third Annual Report" (Washington, D.C.: 1973).

[12] Council on Environmental Quality, "Fifth Annual Report."

[13] Malcolm Baldwin, *The Off-Road Vehicle and Environmental Quality* (Washington, D.C.: The Conservation Foundation, 1970); Diana Dunn, "Motorized Recreation Vehicles . . . On Borrowed Time," *Parks & Recreation*, 1970.

[14] John J. Lindsay, "Outdoor Recreation in Vermont," Research Report No. SNR-RM2, University of Vermont School of Natural Resources, 1974.

[15] Roger N. Clark et al., "Values, Behavior, and Conflict in Modern Camping Culture," *Journal of Leisure Research*, vol 3, no. 3, 1971.

[16] Larry R. Fitch, "Off-Road Vehicles and Public Lands: A Problem Analysis," Utah State University Department of Forestry and Outdoor Recreation, 1974.

[17] Robert C. Lucas, "Wilderness Perception and Use: The Example of the Boundary Waters Canoe Area," *Natural Resources Journal*, vol. 3, no. 3, 1964; David W. Lime, "Sources of Congestion and Visitor Dissatisfaction in the Boundary Waters Canoe Area," *Proceedings of the Third Boundary Waters Canoe Area Institute*, pp. 66-82.

[18] Robert C. Lucas and George H. Stankey, "Social Carrying Capacity for Backcountry Recreation," *Outdoor Recreation Research: Applying the Results*, U.S. Forest Service North Central Experiment Station, Marquette, Michigan, 1973.

[19] Baldwin, *The Off-Road Vehicle*.

[20] James E. Brewer and David L. Fulton, "A Review of Recreation Land Allocation on the Mark Twain National Forest," *Outdoor Recreation Research: Applying the Results*, U.S. Forest Service North Central Experiment Station, Marquette, Michigan, 1973.

[21] National Science Foundation, "Desert Land Use."

[22] Richard L. Bury et al., "Off-Road Recreation Vehicle Research: A Summary of Selected Reports," presented at the National Recreation Research Application Workshop, Estes Park, Colorado, 1974.

[23] John D. Peine, "Land Management for Recreational Use of Off-Road Vehicles Tucson Arizona Study," in *Proceedings of the 1973 Snowmobile and Off-Road Vehicle Research Symposium*, Michigan State University, 1973.

[24] Timothy B. Knopp and John D. Tyger, "A Study of Conflict in Recreational Land Use: Snowmobiling vs. Ski-Touring," *Journal of Leisure Research*, summer 1973, pp. 6-17.

[25] Lucas, "Wilderness Perception"; Lime, "Sources of Congestion."

[26] Lucas and Stankey, "Social Carrying Capacity."

[27] Roger E. McCoy and George H. Moeller, "Trail User Compatability in Ohio," research paper for the U.S. Forest Service Northeastern Forest Experiment Station, 1976.

[28] California State Department of Parks and Recreation, "The Off-Road Vehicle, A Study Report," Sacramento, 1975.

[29] Lucas and Stankey, "Social Carrying Capacity."

[30] Knopp and Tyger, "A Study of Conflict."

[31] Clark et al., "Values, Behavior, and Conflict."

[32] Lindsay, "Outdoor Recreation in Vermont."

[33] Nigel Allan, "Niveous Landscape Preferences and Attitudes of Snowmobilers and Cross-Country Skiers in Southeastern Wyoming," paper presented to Canadian Association of Geographers, London, Ontario, 1974.

[34] Lucas, "Wilderness Perception."

[35] E. R. Fillmore, "Motorcycle Riding Areas in Campgrounds: Impact on Riders and Non-Riders," in *Proceedings of the 1973 Snowmobile and Off-Road Vehicle Research Symposium*, Michigan State University, 1973.

[36] Harrison, "Off-Road Vehicle Noise-Effects."

[37] Kevin P. Shepherd, "A Preliminary Study of Annoyance Due to Noise from Recreational Vehicles," T.R. No. 75-001, University of Utah Laboratory for Hearing Studies and Noise Control, 1974.

[38] Harrison, "Off-Road Vehicle Noise-Effects."

[39] Shepherd, "Annoyance Due to Noise."

[40] National Science Foundation, "Desert Land Use."

[41] Clark et al., "Values, Behavior, and Conflict."

[42] Richard L. Bury and Fillmore, eds., "Design of Motorcycle Areas Near Campgrounds: Effects on Riders and Non-Riders," Technical Report No. 6, Texas Agricultural Experiment Station, Texas A&M University, College Station, 1974.

[43] Department of Interior, "ORVs."

[44] Allan, "Niveous Landscape Preferences."

[45] Lindsay, "Outdoor Recreation in Vermont."

[46] Tom Daily and Dave Redman, "Guidelines for Roadless Area Campsite Spacing to Minimize Impact of Human Related Noises," General Technical Report No. PNW-35, U.S. Forest Service Pacific Northwest Forest and Range Experiment Station, Portland, Oregon, 1975.

[47] Council on Environmental Quality, "Third Annual Report."

[48] Lucas and Stankey, "Social Carrying Capacity."

[49] Knopp and Tyger, "A Study of Conflict."

[50] Daily and Redman, "Guidelines."

[51] McCoy and Moeller, "Trail User Compatability."

[52] Allan, "Niveous Landscape Preferences."

[53] Lime, "Sources of Congestion."

[54] Department of Interior, "ORVs."

[55] Richard M. Nixon, "Use of Off-Road Vehicles on Public Lands," Executive Order 11644, 1972.

[56] Mary Jay Michel, "A Final Summary of Attitudes of Senior Land and Recreation Managers in the United States Regarding Off-Road Vehicles," *Parks & Recreation*, 1973.

[57] Elwood L. Shafer, George H. Moeller, and Russel E. Getty, "Future Leisure Environments," Northeastern Forest Experiment Station, Upper Darby, Pennsylvania, 1974.

[58] Glen Ables, report on ORV use and personal communication, McClain Valley Campgrounds, Bureau of Land Management, Riverside, California, 1975.

[59] Paul Farrens, "Analysis of McClain Valley Campground Registers," unpublished analyses, Desert Plan Staff, Bureau of Land Management, Riverside, California.

[60] William J. Overton, correspondence, California Department of Fish and Game, 1975.

[61] George H. Stankey, "Visitor Perception of Wilderness Recreation Carrying Capacity," USDA Forest Service Research Paper No. INT-142, Intermountain Forest and Range Experiment Station, Ogden, Utah, 1973.

75

The ideas expressed are those of the author and do not necessarily state the policy of the Bureau of Land Management. □

INFORMATION HANDOUT SUPPORTING SENATOR ALAN CRANSTON'S S. 7 AND REPRESENTATIVE MEL LEVINE'S H.R. 371; DESERT PROTECTION BILLS FOR CALIFORNIA...

I am Robert A. Barnes of Porterville, Tulare County, California. I am in Washington, D.C. this week representing five citizens' organizations by way of testimony before the Senate Subcommittee on Public Lands, National Parks, and Forests which is holding hearings on Senator Alan Cranston's S. 7.

Senator Cranston's S. 7 assures adequate protection for much of California's remaining wild desert lands. Among other features, the bill proposes designation of three National Parks: Death Valley, Joshua Tree, and Mojave.

I was sent to Washington, D.C. to speak specifically on behalf of Wilderness status for seven roadless areas wholly or partially in the South Fork Kern River watershed. They are: Bright Star, Chimney Peak, Domeland Addition, Frog Creek, Kiavah, Owens Peak, and Sacatar Trail.

With the passage of S. 7 and/or H.R. 371 the following qualities will be assured as regards the South Fork Kern River watershed and the seven Wilderness proposals mentioned above:

The highest plant diversity per acre in California (Trinity Alps of Northern California is second)...

The Pacific Crest Trail (PCT), a foot and horse path stretching from the Mexican border on the south to the Canadian border on the north, that passes through five of the Wilderness proposals mentioned above...

The only place in the United States where five major vegetative ecoregions come together (California Grassland Province, Sierran Forest Province, California Chaparral Province, Intermountain Sagebrush Province, and American Desert Province)...

Large acreages that still need basic field work to be done and where several new plant and animal species new to science have been discovered within the last five years; almost unheard of in 1987 California and, perhaps, the United States...

Outstanding Single-leafed Pinyon Pine forests; particularly the one covering most of the proposed Kiavah Wilderness...

Outstanding Kern Joshua Tree forests found in six of the proposed Wilderness areas and particularly north and south of Walker Pass...

Outstanding road access on the perimeters of the proposed Wilderness areas allowing enjoyment of wilderness character and several of the features outlined here by the general public as a whole...

A biological (genetic) diversity unsurpassed in California allowing for major research projects and the establishment of a major research center within easy access of five protected major vegetative ecoregions...

Riparian corridors, particularly along the desert east slope canyons of the Sierra Crest, that are critical to wildlife and in short supply...

Varied recreational uses such as hiking, horseback (mule, llama) riding, camping, photography, picnicking, gliding (and other aviation), rock climbing, rock hounding, hunting, nature study, auto touring (on the perimeters), and the opportunity for solitude and renewal...

Watershed enhancement protection for the South Fork Kern River watershed which is c. 90% publicly owned...

The Domeland Addition which has the best and suitable habitat for reintroduction of Desert Bighorn into Kern County with room for an eventual heard of 75-100 animals...

Thank you...Robert A. Barnes for: Kern Plateau Association, Tulare County Audubon Society, Kern Audubon Society, Porterville Area Environmental Council, and the Kern Valley Wildlife Association. R. Barnes, P.O. Box 269, Porterville, CA 93258...

California Wilderness Coalition - Member Groups

Acorn Alliance
American Alpine Club
Angeles Chapter, Sierra Club
Bay Chapter, Sierra Club
Butte Environmental Council
Cahto Coalition
California Alpine Club
California Native Plant Society
Camp Unalayee Association
Citizens Comm. to Save Our Public Lands
Citizens for Mojave National Park
Committee for Green Foothills
Committee to Save the Kings River
Concerned Citizens of Calaveras Co.
Conejo Valley Audubon Society
Conservation Call
Covelo Wildlands Association
Davis Audubon Society
Defenders of Wildlife
Desert Protective Council
Ecology Center of So. California
El Dorado Audubon Society
Env. Center of San Luis Obispo County
Environmental Protection Info. Center
Forest Alliance
Friends A[illegible] of Wildlife Needs
Friends of [illegible] Wilderness
Friends of the Earth
Friends of the River
Friends of the River Foundation
Golden Gate Envir. Law Society
Granite Chief Task Force
Greenpeace
High Sierra Stock Users Association
Ishi Task Force
Kaweah Group, Sierra Club
Kern Audubon Society
Kern Plateau Association
Kern River Valley Audubon Society
Kern River Valley Wildlife Association
Knapsack Sec., Bay Ch., Sierra Club
Lake Tahoe Audubon Society
Loma Prieta Chapter, Sierra Club
Los Angeles Audubon Society
Marble Mountain Audubon Society
Marin Audubon Society
Marin Conservation League
Mendocino Environment Center
Merced Canyon Committee
Mono Lake Committee
Monterey Peninsula Audubon Society
Morro Coast Audubon Society
Mt. Shasta Audubon Society
Mt. Shasta Resources Council
Natural Resources Defense Council
NCRCC Sierra Club
Northcoast Environmental Center
N.E. Californians for Wilderness
Northstate Wilderness Committee
Orange County Sierra Singles
Pasadena Audubon Society
Peppermint Alert
Placer County Conser. Task Force
Planning and Conservation League
Pomona Valley Audubon Society
Porterville Area Environmental Council
Redwood Chapter, Sierra Club
The Red Mountain Association
Salmon Trollers Marketing Assn.
San Diego Chapter, Sierra Club
San Francisco Ecology Center
San Joaquin Wilderness Association
Sea & Sage Audubon Society
Sierra Association for Environment
Sierra Treks
Sinkyone Council
Siskiyou Mountains Resource Council
South Fk Trinity Watershed Association
South Fork Watershed Association
Stockton Audubon Society
Trinity Alps Group
Tulare County Audubon Society
Tule River Indian Health Project
U.C. Davis Environmental Law Society
The Wilderness Society
Wintu Audubon Society

Porterville, Cal., Recorder — Thurs., July 30, 1987— 9C

Researcher says natural views lower stress

DOVER, Del. (UPI) — It may seem obvious, but a University of Delaware research project has proved that looking at nature — trees, birds, grass and babbling brooks — reduces stress more rapidly than looking at moving cars and passing pedestrians.

And one of the researchers suspects love of nature is one vestige of our pre-evolutionary past.

In the study, geography professor Roger Ulrich and psychology professor Robert Simon asked 120 college students to watch a stressful film about workshop accidents.

The not-too-surprising result was that those who viewed natural scenes afterward began relaxing within 3 minutes.

"Some ended up feeling better than when they went into the experiment," Ulrich said in a telephone interview from the university's Newark campus. "You don't have to sit for an hour in front of a natural scene to get a measureable, fairly significant revovery from stress."

Ulrich admits some of this is intuitively obvious. Why else do builders call densely-packed housing units "garden apartments?"

But he thinks the study will give urban planners some concrete — pardon the stressful word — basis for incorporating more greenery into their projects.

"One practical application is that livable cities should provide us with settings to recuperate from stress or high stimulation," Ulrich said.

Ulrich already has shown that surgical patients recovered faster when they had trees and grass to look at instead of bricks and concrete. It is part of a small but growing body of evidence that humans like and respond to natural scenery.

Growing out of that is the new study, funded by the National Science Foundation.

In the study, University of Delaware students watched a "mildly stressful" training film called "It Didn't Have To Happen" about accidents in a woodworking shop, while various machines measured their muscle tension, blood pressure and other bodily indicators of stress.

Ulrich and Simon then showed six movies of different outdoor environments to groups of 20 students each, again measuring their stress reactions.

Four of the films showed urban environments — a commercial street with heavy traffic and pedestrians, the same street with light traffic and no pedestrians, an outdoor shopping mall with many people and the same mall with few pedestrians.

Two others portrayed natural settings — trees, birds, grass, the sound of the breeze and a stream.

As expected, those who watched the natural scenes showed significant signs of recovery within 3 minutes. The others recovered at a slower rate, and not to the same degree.

"The findings clearly showed that subjects recovered faster and much more completely from stress when they were exposed to nature as opposed to either the pedestrian mall or traffic settings," Ulrich said.

One unexpected result of the survey was that the students recovered more quickly viewing car traffic than the pedestrians-only shopping mall.

"Perhaps the stress-reducing benefits of pedestrianized traffic-free settings, compared to those of streets and traffic, are not as great as many planners have assumed," Ulrich said.

He speculated that the regular rhythms of a busy city street ar calming in themselves, regardless of the level of noise.

Ulrich said developers should design city scapes that incorporate the proven calming effects of vegetation.

CALIFORNIA DESERT PROTECTION ACT
PUBLIC LANDS, NATIONAL PARKS, AND FORESTS SUBCOMMITTEE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

TESTIMONY SUBMITTED BY
HIDDEN VALLEY RESOURCES

Mr. Chairman and members of the subcommittee, Hidden Valley Resources appreciates the opportunity to submit testimony on the California Desert Protection Act. We support efforts to resolve this situation as soon as possible and welcome the opportunity to work with you, the California Senators, the Administration, members of the House of Representatives and the residents and users of the desert community in fashioning a wilderness plan that will coordinate protection for the unique California desert with other human needs.

Hidden Valley Resources (HVR) is a group of professionals representing the disciplines of geology, hydrology, environmental studies and engineering. Responding to an urgent need in California for a safe and modern toxic waste facility, HVR dedicated its efforts to finding a secure site for such a facility that will provide for the long-term storage of dry, treated hazardous waste residuals. As you are well aware, the disposal of hazardous waste is an issue with which our state and country must come to grips immediately--the problem of hazardous waste disposal will not go away. According to recent studies conducted by the State of California, the amount of hazardous waste in the state is expected to increase by 40% by the year 2000. California legislation has mandated treatment of hazardous waste prior to disposal effective May 1990. The treated residuals require new storage and disposal facilities to accommodate their final disposition.

In order to help meet this need, HVR has, for two and one-half years, pursued the idea of establishing a site in the California Desert. During that time, we have followed with great interest the Bureau of Land Management's (BLM) planning process for the California Desert Conservation Area (CDCA). The BLM has previously studied our project area for possible wilderness designation and, in 1980, recommended the area as nonsuitable for inclusion in the National Wilderness Preservation System. The Congress is now considering legislation, The California Desert Protection Act (S. 7), which proposes wilderness status for the government lands within our project area. The uncertainty surrounding the possible wilderness designation for this area has made it difficult to pursue the many permits needed for a project of this nature.

Of the 11,500 acre proposed site, HVR owns 140 acres and has an option to buy approximately 3,200 more. The remaining 7,700 is public land managed by the BLM. The proposed site lies outside the boundaries of the BLM's East Mojave National Scenic Area (EMNSA) and Senator Cranston's proposed Mojave National Park.

Hidden Valley Resources believes that the site chosen is one of the safest areas to locate a hazardous waste facility, for environmental, climatic, geological, hydrological and social reasons. The site is located in driest areas in the United States--the area receives the smallest amount of annual average rainfall and has the highest annual evaporation in the United States. We believe that a site, such as ours, which receives such small amounts of rainfall and has little surface water runoff is an excellent candidate for serious consideration for a toxic storage and disposal facility for dry treated residuals. In addition, the proposed site is not located near any dwellings or development, and the site is not visible from the surrounding area. The rock formations provide excellent natural protection of groundwater and soil from contamination.

Hidden Valley Resources respectfully requests that the subcommittee and the California Senators and Representatives consider exempting HVR's proposed site from the California Desert Protection Act. We have also asked the BLM to consider this issue. We understand clearly that the locations of hazardous waste facilities are very sensitive matters, both environmentally and socially. Toxic waste facilities in California are being closed, and the public and the industries involved are looking for safe locations to establish new and modern facilities. It would be unwise for Congress and/or the Administration to plan wilderness areas in a way that would restrict the responsible efforts of HVR to establish a critically needed facility. Government, industry, the public and the environment cannot afford a repeat of past siting errors.

Enclosed is additional information on the need for a hazardous waste facility in California, the reasons for choosing this particular site and our proposed facility.

Thank you, again, Mr. Chairman and members of the subcommittee, for the opportunity to submit this testimony.

BACKGROUND AND URGENCY OF SITUATION

Based on studies published in 1985 by the Southern California Hazardous Waste Management project and other published data, including the Governor's Task Force Report dated May, 1986, the southern California area produced an estimated 3.9 million tons of hazardous wastes in 1983. Projected increases of 40 percent by 2000, combined with the cleanup of contaminated soils and treatment residuals remaining from the hazardous waste sites that were previously uncontrolled, leads us to the inescapable conclusion that additional treatment and disposal facilities are urgently needed in the area.

With the closing of the BKK landfill at West Covina in November, 1984, there are currently only two Class I landfills serving the southern California region: Casmalia, above Santa Barbara and Kettlemen Hills, about 170 miles north of Los Angeles. Both these landfills have been issued determinations of violations by the EPA related to their operations. Should these facilities be forced to close, the nearest Class I landfills would then be in northern California and Nevada. But, even if these facilities were in operation, there is a need for repositories and treatment facilities to accept residuals from treatment processes. Based on current amounts of hazardous waste being generated in southern California, we have a shortfall of approximately 900,000 tons per year in treatment capacity; 900,000 tons which should be treated and we have approximately the same shortage -- 900,000 tons -- in repository capacity.

The legislature has mandated an immediate and dramatic improvement in the way hazardous waste is managed in California (and the nation). The statutes will prohibit the land disposal of untreated wastes after May, 1990. To achieve this, manufacturers and users of commodities and resources must take measures to minimize waste production, and new types of facilities will have to be established to recycle and manage the remaining volume of hazardous waste. These facilities may include recycling and treatment facilities, state-of-the-art incineration facilities, residual repositories for treated residues, and hazardous waste transfer and storage facilities.

In California, if adequate hazardous waste management facilities are not provided in a timely manner or if development of facilities becomes too limited or restricted, many generators in the State may be forced to dispose of their wastes in other states. Excessive costs may encourage use of illegal disposal methods and will put California businesses at an economic disadvantage. In addition, under the 1986 amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), if California fails to provide sufficient capacity for managing hazardous wastes after 1989, it will lose hundreds of millions of dollars in federal Superfund monies for cleanup of its major contaminated sites. The 1986 amendments require the State to develop a hazardous waste management plan by the year 1990 and ties this requirement to continuation of Superfund monies to the State. Local and State governments must plan together to provide adequate options for siting of hazardous waste treatment, recycling, and management facilities throughout the State in order to avoid local or regional economic disruption.

SITE SELECTION

Recognizing the need of the people of the State of California, Hidden Valley Resources, Inc. (HVR) began to search for the safest possible siting 2½ years ago. The thought was that the area must have the most favorable climatic, social, environmental, and geologic setting conducive to storing and disposing of treated hazardous waste residuals. HVR recognized hazardous waste must first and primarily be disposed of in the safest possible natural sitings. Although hazardous waste treated residuals, solid and stabilized, are generally considered by the State to present minimum hazard to public health and the environment, these residuals will/must be contained in perpetuity through natural events (acts of God), unless sufficient quantities and technology determine recovery (recycling) of all wastes economically feasible in the future. HVR believes it has located a site in Cady Mountains of San Bernardino County, approximately 35 miles east of Barstow, which is unique and offers the best of conditions for a residual repository insuring the highest degree of natural protection to public health and environment.

SITING AMENITIES AND SITING CRITERIA

The Hector site, so named because of its proximity to the old Hector railroad siding, offers many amenities that make it potentially the best site in the State. The site is located in the Cady Mountains in San Bernardino County approximately 120 miles northeasterly of downtown Los Angeles, making it attractively close to the major waste generators in the State. The site is provided excellent accessibility by Interstate 40 and the main line of the Santa Fe Railway, which parallels the interstate highway. A full cloverleaf offramp and rail spur are located about 10 miles to the south of the site at the Hector siding. There are no existing dwellings or development along the proposed 10 miles of access route, the nearest dwelling being 10 miles to the West. The site is not visible from the surrounding area since it is located in a Valley in the Cady Mountains approximately 1,000' above the surrounding areas. The site is 15 miles downwind of the closest community, and the nearest downwind community is Needles, which is about 100 miles to the east. The site is large (about 18 square miles) and will have a capacity in excess of 200 years. Since the site is bound by mountain ridges on its borders, there is no possibility of encroachment by future development of residential communities in the area.

The natural geologic setting is an equally impressive as the demographic data. The site is located in one of the driest areas of the nation with a mean annual precipitation of less than 4"/year coupled with an evaporation rate in excess of 140"/year (no groundwater recharge). There is a relatively small watershed area which will facilitate management of surface drainage. There are no known endangered species within the site, and the depth to groundwater is in excess of 1,000 feet below the surface, with the possibility of a confined system not a part of the surrounding groundwater system. Sediments in the area consist of an alluvium underlain by a thick section of tertiary rock and basalt varying between a minimum of 600' to as much as 1,000'. The rock is essentially impermeable in itself. With a minimum thickness of 600', it provides the ultimate in protection to any possibility of contamination or degradation to what little groundwater there is in the basin.

RESIDUALS REPOSITORY CONCEPT

A residual repository is the latest technology in a comprehensive hazardous waste management program and is the final stage in the disposal methodology of hazardous waste. Whereas treatment processes are capable of destroying or otherwise rendering a waste harmless, the residual repository is a sophisticated disposal facility where residuals remaining after treatment can be safely stored or disposed in perpetuity. It only receives the dry-end products of residuals remaining after treatment, and no untreated wastes would be allowed. Secondly, the facility is termed a repository because it includes provisions for mining of the residuals at some future time when it becomes economical for recovery and recycling. There are no residual repositories in the United States at this time; so this would be the first of its kind. However, there are several similar facilities operating in Europe.

OWNERSHIP AND ACQUISITION OF SITE AREA

Of the 18 square miles of site area, 5 square miles are owned by the Southern Pacific Land Company, 1 square mile by several private parties, and the balance of the site (12 square miles) by the public, administered by the Bureau of Land Management. HVR negotiated an option to purchase agreement with Southern Pacific and intends to exercise its option prior to the end of the year. Additionally, HVR has outright purchased some of the private property in the site area and is purusing the balance of the private property as it becomes available.

Approximately two-thirds of the entire site area is public land administered by the Bureau of Land Management under California Desert Conservation Area Plan of 1980. This area, in addition to the entire California Desert Conservation Area, was studied under the Plan for its possible inclusion in the National Wilderness Preservation System. Our site ranked 92 out of the 137 Wilderness Study Areas (WSA), and based on the study was not among the 45 areas recommended as suitable for wilderness. These recommendations, including BLM recommendations for other areas of California, are currently scheduled to be forwarded to the White House in June, 1989. Once approved by the White House, the recommendations are then forwarded to the Congress which may approve or revise those plans as they wish. Until Congress takes action, the BLM lands in the Cady Mountains cannot be transferred and will continue to be managed under the "Interim Management Policy and Guidelines for Lands Under Wilderness Review". However, when the lands do become available, HVR will be given priority as adjacent land owners, and will be given first right to acquire the acreage.

JUNE, 1987

HIDDEN VALLEY RESOURCES, INC.

RESIDUALS REPOSITORY

PROPOSED SITE SIZE

The size of the proposed repository is 18 sq.mi. (3 x 6 miles or approximately 11,500 acres). In June, 1987, 140 acres are owned by Hidden Valley Resources, Inc. (HVR), 5 sq.mi. (approx. 3,200 acres) are under option to purchase, and slightly over 12 sq.mi. (approx. 7,700 acres) are owned by the U.S. Government and are being administered by the Bureau of Land Management (BLM). These lands are in a Wilderness Study Area which is not recommended for wilderness by BLM.

LOCAL POPULATION

The repository site has one part-time visitor who supplies water to a small herd of cattle in the general area. The nearest house to the repository site is about 10 miles to the west. The nearest small town is about 15 miles away.

PRECIPITATION

Annual precipitation in the 50 United States ranges between about 2 inches to 600 inches. The nearest rain gage to the repository site averages about 2 inches per year. Based on an altitude correction, the rainfall at the repository site should average about 4 inches per year.

WIND DIRECTION

The normal direction of the wind at the repository site is from west to east. The closest building west (upwind) of the repository site is about 10 miles. Only two occupied buildings east (downwind) of the repository site are known to exist in the first 40 miles.

WATER WELLS

Two water wells were drilled in 1953. One well was drilled on the repository site 32D1 and the second well (8K1) was drilled 3 miles west of the repository site. Both wells were dry in 1959. Two new deeper wells (8K2 and 32D2) were drilled near the old dry wells. Both of the new wells produce water.

WATER PRODUCTION

Water production from well 32D2 was measured at 3 gallons per minute in 1986.

WATER QUALITY

The water from well 8K1 was analyzed in 1953 and it was found that sodium, sulfate, cloride, floride, nitrate, boron, and residue on evaporation are all above that recommended standards for drinking water by the Environmental Protection Agency (EPA).

Water from well 32D2 was analyzed in 1986 and it was found that all dissolved mineral constituents analyzed for in the water met the EPA drinking water standards.

DEPTH TO WATER

The depth to water in well 32D1 was 900 ft. below land surface in 1953. The depth to water in 32D2 was 1030 ft. in 1985 according to the driller.

PAN EVAPORATION

Pan evaporation in the continental United States ranges between 25 and 140 inches per year. The repository site has an estimated 140 inches of pan evaporation per year.

LAKE EVAPORATION

Lake evaporation in the continental United States is generally about 60 to 70 percent of pan evaporation. Lake evaporation in the United States ranges between 20 and 84 inches per year. Estimated lake evaporation at the repository site is 86 inches per year.

SURFACE-WATER-DRAINAGE DIVIDE

The surface water drainage divides that surround the repository site are divided into one closed drainage area of 7 square miles and one open drainage area of 14 square miles. Precipitation that falls within the closed drainage flows to a small playa and is evaporated into the atmosphere. The precipitation that falls in the open drainage can flow east out of the area by way of an intermittent stream channel.

SURFACE GEOLOGY

The surface geology of the repository site and the surrounding area has been mapped by three nationally known geologists at a scale of 1:62,500. These maps include consolidated alluvium and basalt of quaternary age, consolidated sedimentary deposits, intrusive volcanic rocks, and volcanic brecca and detritus of tertiary age. These sedimentary and volcanic rocks are underlain by igneous and metavolcanic rocks of mesozoic age.

SUB-SURFACE GEOLOGY

The geology at the repository site is in part based on well log. The geology is as follows: Holocene alluvium 0-200 ft., pleistocene alluvium 200-400 ft., basalt 400-975 ft., granite is somewhere below 975 feet.

FAULTS

There are three faults within twenty miles of the repository site and one fault along the south edge of the site. Of the three faults, one is known to be active and two are groundwater barriers that are probably active faults.

The fault along the south edge of the repository site has been described by some geologists as potentially active. However, the geologist who mapped the fault said (based on his field work) the fault had probably not moved in the last 10,000 years, but had probably moved in the last 1,000,000 years.

HIGHWAY ACCESS

Two interstate highways pass the repository site a few miles to the north and south. Highway 15, north of the site, runs between San Diego, California and the Canadian border; Highway 40, south of the site, runs between Barstow, California and Raleigh, North Carolina.

RAILROAD ACCESS

Two railroads pass the repository site within 10 miles to the north and south. The railroad to the south has a siding that could be used for a spur to the repository site.

GRAVITY SURVEY

Sufficient gravity measurements have been made to construct a complete Bouquer gravity contour map of the repository site.

TOPOGRAPHIC MAPS

Two sets of topographic maps have been published for and surrounding the repository site by the U.S. Geological Survey. The first set was published in 1958 at a scale of 1:62,500 and the second set was published in 1982 at a scale of 1:24,000.

ORTHOPHOTOQUADS

Orthophotoquads of the respository site and surrounding area have been published in 1974 at a scale of 1:24,000.

AERIAL PHOTOGRAPHS

Several sets of aerial photographs have been taken over and surrounding the respository site. The first set of aerial photographs were taken in 1952. Several other sets have been taken since 1952. These sets of photos were taken by the U.S. Geological Survey, military and private companies.

SURVEY DATA

The first sets of land survey data in and around HVR repository site were made in 1855-6 by several surveyors. A second set of surveys were added to the land net in 1907-8 and 1911-12 by several other surveyors.

Additional altitudes were made on section corners, wells, triangulation stations, mountain peaks, and gravity stations for use in the production of U.S. Geological Survey topographical maps in 1955 and 1982 (provisional). Some of the altitude data appears to be in conflict with other data and will have to be resolved.

13358 Wildrose Street
Trona, CA 93562
July 25, 1987

Subcommittee on
National Parks, Public Lands and Forests
308 Senate Dirksen Office Building
Washington, D.C. 20510

Re: Cranston Bill S-7
Hearings of July 21 & July 23, 1987

Gentlemen:

Please include the following information as part of the Hearing record.

My family and I want to go on record as being violently opposed to the Cranston Bill as written. Nowhere will you find anyone as anxious to protect and preserve our lands for future generations than we are. We don't feel locking up the lands is the answer.

The Cranston Bill would surely 'lock up' the desert to all uses. Already there has been a severe effect on the Inyo County area (my particular area of interest) due to the cutback in mining under the guise of 'protecting the land for all eternity.' Not only is this effort cutting back on tax revenue for this already devastated county, but cuts back on mineral resources available. In addition, grazing has been discontinued in some areas that have been used for this purpose since the late 1800's. Are we really going forward for all eternity or are we taking more steps back to please the environmentalist.

Our community, particularly has participated in the lands study and has worked hand in hand with the Bureau of Land Management since the inception of FLPMA to assure the concept of FLPMA, multiple use, is carried out. This has been done by taking a little, giving a little and coming up with an agreement that would allow for ample wilderness areas, ample areas for grazing, mining, recreational uses, with restrictions applying assuring conservation and protection of the area.

Please, do not lock up the lands,- if for no other reason, to keep the resources so badly needed available.

Sincerely,

Vi Swann

Vi Swann

California Chamber of Commerce

August 6, 1987

The Honorable Dale L. Bumpers
United States Senate
229 Senate Dirksen Office Building
Washington, D.C. 20510-0401

Dear Senator Bumpers:

We appreciate this opportunity to provide supplemental comments to the July 23, 1987 hearing on S.7. We urge the committee to specify in S.7 the federal lands that will be exchanged for state school lands in the California desert. In 1983 the state pledged these state-owned school lands, comprising some 500,000 acres in fee and another 600,000 acres with mineral rights, to our State Teachers' Retirement System as an asset to liquidate an unfunded liability in the system of over ten billion dollars.

The current value of this asset ranges between one and two billion dollars but there is no current information on mineral values and the asset could be significantly increased by accurate mineral and geothermal surveys. The taxpayers of California and our member companies are legally required to pay this liability. The present provisions of S.7 will destroy as much as seventy five percent of the value of these lands and constitutes a direct cost to our taxpayers.

The language in Section 605 of the bill is inadequate for this state to receive full value for the school lands since there are insufficient remaining "public" lands to accomplish the exchange and there is no authorization for exchange of GSA and military lands.

Our taxpayers are not provided the same protections in S.7 as private property owners received in the 1984 California Wilderness Act which had "selection tracts" from which the owners of private property surrounded by wilderness could choose exchange lands from specific areas of high value (see House Committee Report on H.R. 1437, Interior and Insular Affairs Committee, March 18, 1983, Page 46).

We respectfully submit that the only fair way to handle the school lands problem created by S.7 is to list the exchange lands in the bill prior to enactment. The insufficient public land base for exchange is not limited to state owned lands and should also be considered by the committee with regard to privately owned lands.

Sincerely,

C.W.H. Solinsky
Resources Director

CC: Hon. Alan Cranston
Ms. Beth Norcross ✓

1027 10th Street, 4th Floor · P.O. Box 1736 · Sacramento, CA 95808 · (916) 444-6670

STATEMENT OF THE WORLD OF ROCKHOUNDS ASSOCIATION, FOR INCLUSION IN THE WRITTEN RECORD OF THE HEARINGS HELD JULY 23, 1987, TO THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE ON S. 7 A BILL, "TO PROVIDE FOR THE PROTECTION OF THE PUBLIC LANDS IN THE CALIFORNIA DESERT", THE HONORABLE DALE BUMPERS, CHAIRMAN.

The World of Rockhounds Association represents the interests of 125,000 mineral and gem collectors (a minor segment of hobbyists in this field). Most of those practicing our hobby belong to no organized group.

The Wilderness Society in their publication has indicated our hobby and the hobbyists who practice it, have a "benign effect" on the land. They are incorrect in this statement. Our effect on and off the land is positive. We educate our members and the public. We donate the best of what we find to museums. We report discoveries of fossils or archeological sites to the proper authorities. And as we have been on the desert land, on a continuing and regular basis since the begining, these locations total a significant number of current known sites. We provide

---

Submitted by Alfred H. Kramm, Civil Engineer and Research and Legislative Chairman, World of Rockhounds Association, P. O. Box 124, Artesia, California 90702-0124 provide materials to those confined to hospitals and rehabilitation centers. We provide materials to youth groups and schools. We sponsor clean-up activities. We provide teachers. We study what we find. We share with professionals what we find and what we find out. Often **the expert** on a given local and its minerals or fossils is a rockhound.

However, one of the most positive things we do, is to preserve the mineral specimen and fossils we collect, from the ravages of mother nature. If left to weather, they break down eventually to silt and sand.

S. 7 proposes to lock away from rockhounds, the mineral resources and the knowledge to be gained, from 3,145,000 acres proposed for inclusion within the National Park System.

S. 7 proposes to deny access to rockhounds to an additional 4,430,390 acres to be designated as wilderness. Acres over and above those proposed for inclusion within the National Park System.

S. 7 will deny access to rockhounds to over

90% of the collecting areas in the California Desert.

The proponents of S.7 have stated rocks can be collected in wilderness. Experience with existing wilderness has not proven this statement to be true.

The proponents of S.7 have stated rockhounds can collect on whatever is left after the bill is enacted. Nothing could be further from the truth. Minerals are found where they are. They are specific to certain formations. They are not found everywhere else.

Neither rockhounds or anyone else will be allowed to search willy-nilly across the "left-overs" to discover new mineral localities or anything else. Much that is left is approved routes of travel only, with significant acreage in defacto wilderness status and it will remain so.

The new superconductors and proposed supercollider have as their beginning various holes in the ground located in the California Desert. 97 percent of this nations rare-earths are produced in the California Desert. At today's production, estimated reserves of about 100 years have been excluded from proposed wilderness and/or National Park status. However, this figure is misleading. 10 year ago there were an estimated 2000 years of reserves. Within a few short years the demands of the new super technologies and the doors they open will make further development of known resources and the exploration for new sources mandatory. Known reserves and formations having potential have been included in the proposed Wilderness/National Parks of S. 7.

The California Desert produced 1.2 billion dollars of non-fuel mineral in 1986. This was 54 percent of California's non-fuel production. An example of new discoveries is what has happened to gold. 10 years ago about 5,000 ounces of gold were produced in California. Little to none of this production came from the California Desert. Last year a minimum of 135,000 ounces were produced from the California Desert alone. With over 200,000 ounces forecast for this year and over 250,000 ounces for 1988.

Very little of the California Desert has been mined or will be mined. Today we have laws which require reclamation. Today miners and mining companies work to enhance wildlife. Today, most if not all of the California Desert must remain accessible for exploration and discovery.

The proponents would have you believe that the legislation will enhance scientific and educational opportunities. Rockhounds know better. Archeologic, paleontologic or geologic work in progress today, if it requires surface disturbance, will halt. Access to many archeologic, paleontologic or geologic sites utilized by many universities will be lost. Field work begun decades ago will never come to fruition.

The California Desert contains significant geothermal resources. These "clean power" resources have only begun to be developed and will lessen our dependence on foreign oil. S. 7 would foreclose the further development of the Coso field by designating it as Wilderness. (Much of this production has been contracted for and will be used by metropolitan southern California.) S. 7 would foreclose future development of other known sites.

The median age of our members is 68 years. They often bring their grand children with them on their desert trips. This bill also discriminates against those who are to young, to old, or not healthy enough to walk in to the proposed wilderness. The proponents would condemn them to "sitting on the outside" never to experience tomorrow, what they enjoy today.

MISCELLANEOUS ISSUES OF CONCERN

The location of proposed wilderness areas and parks restrict already built out utility corridors. This will cause future power shortages in the metropolitan areas of southern California.

The location of proposed wilderness areas on the lower Colorado River will place in jeopardy already adjudicated up-stream water rights.

The impact to the economy of California: Lost jobs directly and indirectly related to mining. The lost jobs in tourism. The lost jobs in the firms manufacturing and servicing vehicles used to provide access for family camping, exploring and a quality recreational experience (trucks, 4-wheel drives, trailers, motorhomes, etc.). The slow down of construction due to higher cost of basic materials. The lost construction jobs. The higher cost of public facilities, i.e. schools, libraries.

Rockhounds enjoy seeing the cattle, the windmills, the corrals, and the fences of the few desert ranches. S. 7 proposes to end much of this activity and would bring this country a step closer to the end of these examples of our western heritage. These ranches have been in operation for generations. It is obvious that someone is telling stories. If management of the land was bad the ranchers would no longer be in business.

Neither Joshua Tree nor Death Valley National Monuments should be expanded. If anything Death Valley should be reduced. The boot at the south end is not very different from much of the California Desert and does not warrant National Monument Status much less National Park Status.

The proposed Mojave National Park is a farce. The goal of the proponents seems to be a lowering of standards for achieving National Park status. There are some truly outstanding features. However they are often isolated and there are many thousands of acres of plain creosote bush scrub land in between. This area should become what **everyone** agreed to.....a demonstration showcase for multiple-use.

The further eroding of this nation's ability to develop foreign policy without the coercion of of foreign mineral dependency should stop right here with the defeat of S. 7.

One last observation, prior to and in 1964 every member of this organization actively supported and worked for the passage of the Wilderness Act and the creation of the first Congressionally designated Wilderness. We sincerely regret our past actions.

THE CALIFORNIA DESERT HAS, TODAY, OVER 3.5 MILLION ACRES MANAGED AS WILDERNESS. **NO MORE WILDERNESS IS NEEDED.**

NOC
"This Land for All"
NATIONAL OUTDOOR COALITION

REPLY TO:
David Swoger, Vice President
Resources and Conservation
National Outdoor Coalition
7821 Jellico Avenue
Northridge, CA 91325
(818) 345-4128

STATEMENT OF THE NATIONAL OUTDOOR COALITION
FOR INCLUSION IN THE WRITTEN RECORD OF HEARINGS HELD
JULY 23, 1987
SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ON S.7 A BILL
"TO PROVIDE FOR THE PROTECTION OF THE PUBLIC LANDS
IN THE CALIFORNIA DESERT"
THE HONORABLE DALE BUMPERS CHAIRMAN

Mr. Chairman and Committee Members:

Through its member organizations, the National Outdoor Coalition provides resource, safety and other educational information to over 350,000 individuals and families across the nation. Although NOC did not exist then, individuals now serving on the Board became interested in the California Desert as early as the late '50s and early '60s. Without exception, all member organizations supported the enactment of the 1964 Wilderness Act. This is no longer true.

CALIFORNIA DESERT WILDERNESS:

1976-1980 BLM was directed to inventory for Wilderness. Within areas inventoried and designated as WSAs, there were thousands of vehicle access routes, tank tracks, active mines, other improvements and substantial evidence of man. YOU SHOULD BE AWARE THE MANY "ROADS" AND OTHER IMPROVEMENTS YOU SEE TODAY

WITHIN THE BOUNDARIES OF THE WSAsm WERE THERE WHEN THE INVENTORY WAS DONE. (99.9999%) Because of the time constraints placed upon BLM by the out-going administration, the public was told over and over again the errors made would be fixed prior to final report to Congress in 1991. The public was told wilderness information presented at hearings on the final Desert Plan would be evaluated at the appropriate time and be a part of the decisions on which the 1991 report to Congress was based.

We see S.7 as an attempt to circumvent the evaluation of the public testimony and input and the corrections promised as part of the Wilderness and Desert Plan process.

S.7 WILDERNESS:

Most of these proposed wilderness areas surfaced as part of the Sierra Club et. al. alternative to the BLM Desert Plan (late '70s-early 1980). No one knew, prior to the introduction of S.7, what the exact boundaries were. These proposed WSAs include:

> BLM/CA - DESERT DISTRICT - 6,493,565 acres. (some of these acres to be included as part of the proposed expanded or new park lands.) 54.8% of the California Desert District is proposed for inclusion within the national Wilderness System.
>
> BLM/CA - BAKERSFIELD DISTRICT - 155,900 acres near or adjoining the Desert District.
>
> BLM/AZ - YUMA DISTRICT - 14,780 acres within California and adjoining the Desert District.
>
> FISH & WILDLIFE SERVICE - 11,140 acres adjoining the Desert District.
>
> FOREST SERVICE - 135,815 acres near or adjoining the Desert District. (Most of this acreage was released from wilderness consideration for 15 years as part of the 1984 Cranston/Wilson forest wilderness compromise.)
>
> NATIONAL PARK SERVICE - 1,900,000 acres currently administered by Death Valley National Monument as wilderness.

Not only did the proponents include most of the recommended and non-recommended WSAs; they also included thousands and thousands of acres which were never looked at for wilderness because there was no way anyone could believe they qualified.

The proponents of S.7 go on about the BLM allowing use of vehicle access routes in WSAs. Why not. The access routes are not new. They have always been there. They have always been used. Some of them since the middle 1860s. Obviously the proponents believe no damage to wilderness potential has been done, as they are recommending many of the same roaded areas for wilderness.

An exaggeration typical of the proponents, is a statement often made by Doug Kari of the Desert Survivors....."BLM allowed a miner to construct 8 miles of new road into one of the highest ranking WSAs and then allowed him to damage cultural artifacts (petroglyphs)."

The truth is that there was an existing vehicle access way of 7.75 miles which can be documented. The miner may have cut 1/4 mile of new road. There is still faint evidence of an almost reclaimed road dating from the 1950's. The miner did fill in wash-outs as he progressed up the existing route. A recent field examination of the petroglyphs demonstrated they had suffered no recent damage. Neither the miner, nor his bulldozer did any damage. There is one historic addition to the petroglyphs, which local residents of the Owens Valley indicate appeared during the late 1950's or early 1960's.

This is typical of the facts as presented by the proponents. They are often partial fact, fact out of context, or not fact at all.

S.7 AND THE MILITARY:

19 of the proposed wilderness areas are within sight and sound of active, live fire or other type of military ranges.

The mission of the Navy at China Lake is to (1) test strange and wonderous devices and (2) to train Navy pilots in very low-level radar avoidance techniques. This mission is accomplished not only on the ground within land withdrawn for the Navy's use; but also in the air over many, many miles of adjoining non-withdrawn lands. Lands which S.7 proposes for wilderness and/or additions to the proposed expanded Death Valley National Park. (The attached map illustrates the issue clearly.)

The Department of Defense and the Bureau of Land Management are jointly participating in a Land Tenure Adjustment Project which will protect flight corridors for several military bases. The boundary of this area is as follows:

> "The China Lake Naval Weapons Center serves as the northern boundary of the project area with Fort Irwin Road and Highway 15 as the eastern, the Angeles National Forest as the southern, and the Tehachapi Mountains as the western boundaries".

Four of the wilderness areas proposed in S.7 are within the area described. They are Black Mountain, Blackwater Well, Golden Valley and Grass Valley.

The type of flying which is planned to occur within the corridor over the four proposed wilderness areas is stated within the Land Tenure Adjustment Project.

> "Within this corridor aircraft are flying at levels as low as 50 feet and traveling at speeds in excess of 480 knots, which limits the range of compatible ground surface activities. Annoyance interference with speech communication and sleep and startle and startle reaction are also factors which affect uses in the zone.

This area is subject to numerous sonic booms caused when aircraft in this area are flying at supersonic speeds."

If you refer to the attached map you will find every military base, test range, flight corridor, bombing or parachute range, with the possible exception of the Marine Supply Base at Yermo, is negatively impacted by S.7.

S7. MISCELLANEOUS WILDERNESS:

7,651,505 acres of land in, near and

adjoining the California Desert are managed by the Bureau of Land Management and are proposed for designation as Wilderness, National Parks or inclusion with the California Park System.

7,501,325 acres are managed by the California Desert District/BLM/CA.

155,900 acres are managed by the Bakersfield District/BLM/CA

14,780 acres are within California but managed by the Yuma District/BLM/AZ

135,815 acres of the land proposed for designation is managed by the Forest Service.

11,140 acres of the land proposed for designation is managed by the U. S. Fish and Wildlife Service (Colorado River lands).

21 of the proposed wilderness areas will have up to three different agencies as managers of the land.

20 of the proposed wilderness areas adjoin or are within the sights and sound of active railroads.

16 of the proposed wilderness areas are within the sights and sound of major freeways. 29 of the proposed wilderness areas are within the sights and sound of major highways.

Access to 90% of the areas utilized by gem and mineral collectors will be lost. Many of these locations are world known. The proponents state there will be many acres left for use by gem and mineral collectors. While this sounds logical it is not. Unfortunately minerals are where they are. Not where you want them to be. The loss of these areas to this activity will have a major impact to the industry which supplies the needs of these hobbyists.

There are approximately 43,000 miles of vehicle access routes within the California Desert. There are approximately 2,500 miles of additional vehicle access routes within the Forest Service, Fish and Wildlife Service and other BLM lands within S.7. Of these approximate

45,500 miles, most of 15,000 miles are I-15, I-40, State Highways, county paved or maintained dirt roads, dirt utility service roads, dirt aqueduct service roads and dirt roads for subdivisions. Camping along or off of anyone of these roads is not legal in many instances, is unsafe in all instances and is not considered, to be what most people consider a prime recreational experience.

This loss of access will have a substanital impact on all who require a vehicle to provide access for their recreation. NOC also believes S.7 to be discriminatory against the very young, the very old and the handicapped. The few that can, are those who prove it to be discriminatory against the majority. Sitting on the outside and looking in, as advocated by the proponents, is a denial of the rights of those who cannot walk into the wilderness.

The proponents of S.7 would have Congress agree to the loss of jobs in the recreation industry. An industry, which receives substantial support from the those families who made up the 20 plus million visitor use days in the California Desert, last year. An industry, which is not just tents and coolers. An industry, which includes purchase and service of new trucks, campers and motorhomes. An industry, which provides jobs far from the California Desert.

S. 7 would withdraw an additional 7,787,320 acres (proposed wilderness and park) from mineral entry, at a time when meeting the mineral requirements of this nation is already precarious. Dependence on foreign imports affects foreign policy decisions today. Rather than locking up more of the country's resources, the Congress should be encouraging the search for new mineral discoveries.

The proponents of S.7 would have the Congress agree to the export of jobs generated by mineral production to foreign countries. Jobs which pay $8.00 to $27.00 per hour or more. They ask to Congress to substitute some service jobs paying $3.50 per hour, for the jobs which are lost.

PROPOSED NATIONAL PARKS:

Expansion of the monuments and their

conversion to National Park Status is not needed. The creation of the proposed new National Park would degrade the existing gems of our National Park System. True there are areas of beauty within the boundaries of the proposed new park. However, these areas are tied together by a lot of mediocre to average desert. We would much rather have these special lands be the Bureau of Land Management's highest priority area, than the Park Service's lowest.

3.1 million acres would be removed from multiple use management to accomplish S.7's requirements for National Park management. No gem and mineral collecting, no hunting, no cattle ranching.

Some of these lands are the best upland game bird habitat in Southern California. There is also limited deer hunting. Some of these lands contain unusual associations of minerals and gem material not found elsewhere.

Few though they are, recreationists enjoy seeing the cattle and fixtures of desert ranching. They add to the charm of the experience.

Some of the proponents have begun to suggest allowing ranching to continue under National Park Service administration. The Park Service has demonstrated their hostility to one of the affected ranchers already. In other states they have demonstrated their unwillingness to abide by Congressional direction even when the rancher has, by name, been given lifetime occupancy for himself and his son in the legislation creating the park.

In Utah's Capital Reef area it took the National Park Service just a few years to force the rancher to sell out. In Death Valley Monument (leasing is at the discretion of the NPS) after attempting to steal the rancher's water rights and losing in court at a cost to the rancher of tens of thousands of dollars, the NPS cancelled his leases.

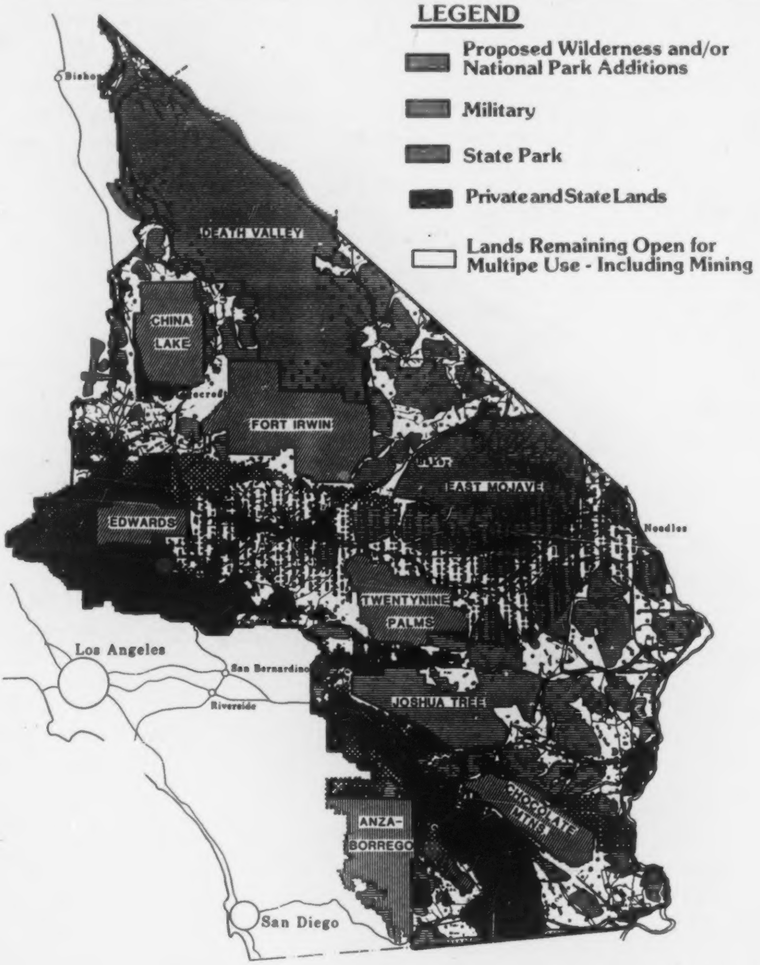
NOC finds no need to change either size or status of the existing monuments. Funds do not now exist for all campgrounds in existing monuments to be kept open. Tomorrow, with the creation of an additional park requiring the investment of millions of dollars there would be less public access in existing National Monuments/Parks.

Beginning in the 1960's and continuing through the years, the recreating public in the California Desert has been responsible for many conservation measures. Assisting with construction of wildlife water sources and assuming responsibility for maintenance, fencing petroglyphs, fencing the desert tortoise preserve, joint signing of closures to encourage compliance and desert clean-up to name a few of the activities. We find it hard to reconcile our efforts with the massive closures proposed by S.7.

NOC also finds it hard to reconcile the supposed damage of our public lands, if 7,798,460 acres are considered by the proponents as qualifying for either National Parks or Wilderness.

FOR THESE REASONS AND MANY OTHERS, THE NATIONAL OUTDOOR COALITION IS OPPOSED TO S. 7.

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA BILLS NO. S-7 and H.R.-371


LEGEND
Proposed Wilderness and/or National Park Additions
Military
State Park
Private and State Lands
Lands Remaining Open for Multipe Use - Including Mining
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EAST MOJAVE
Needles
EDWARDS
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
CHOCOLATE MTNS
ANZA-BORREGO
San Diego

P. O. Box 27235
San Diego, California 92128-0924
July 30, 1987

Ms. Beth Norcross, Professional Staff Member
Subcommittee on Public Lands, National Parks & Forests
308 Senate Dirkson Office Building
Washington, D. C. 20510

Dear Ms. Norcross:

I understand that the public comment period for S-7 "The California Desert Protection Act of 1987" has been extended until August 6, 1987, and I thought I would take a few moments to express my views concerning this matter.

Senator Cranston's bill is representative of a very small minority of his constituency in California. His bill as I understand, would turn much of the East Mojave Desert into a National Park. Administration of the land would be turned over from the Bureau of Land Management, to the National Park Service.

In turning over control, much of what is now freely accessible land, would be closed to motorized vehicles of any type. Not everyone benefits from this land closure.

Senator Cranston's bill would have us completely close this area. This means that I and my family would no longer be able to travel the historic Mojave Road, which would then be right in the middle of Wilderness Study Area, should S-7 pass. Tell me who the beneficiary of this closure would be? Certainly not the majority of the people who use the desert.

My family and I enjoy many recreational activities in the East Mojave Desert. The Desert is large enough to accomodate all factions of people, who would utilize this area. The environmentalists could have areas permanently set aside, for hiking or whatever, with no vehicular access. Those of us who like to travel and explore in our Four Wheel Drive Vehicles, would have still have access. Those that like to hunt or shoot firearms, would still have access. Those people who enjoy rock-hounding, would still have access. Those individuals involved in mining, would still have access. Those brave souls who utilize the land for grazing, would still have access. Senator Cranston's bill would permanently close large portions of the desert and deny many people, not just myself and family, access to one of the nation's largest, and most scenic areas.

The Bureau of Land Management's Multiple Use Concept, serves all of the people, not just a select few, as Senator Cranston's bill proposes. The BLM'S Multiple Use Concept attempts to balance the use of the land, and not show favoritism to any one group or idea. I would certainly support legislation to increase the BLM'S budget so that they can hire more personal to protect this precious resource.

Sincerely,

Wayne L. Guerrini

Wayne L Guerrini

JOSEPH M. LONG
MARINE LABORATORY
Institute of Marine Sciences
100 Shaffer Road
Santa Cruz, CA 95060

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
AUG 0[illegible] 1987
WASHINGTON DC 20510

28 July 1987

Staff
Senate Energy and Natural Resources Committee
Dirksen Senate Office Building
Washington, D.C. 20550

Dear Folks,

Enclosed is a supplementary statement regarding the misuse of the wilderness classification by Senate Bill 7. I want to submit it for inclusion in the record.

It was good to see you folks again. I did want to actually talk to Tony, but that was not to be, so we waved at each other.

It's 70 degrees out here at 10 AM, I hesitate to tell you.

My Best,

Kenneth S. Norris

Enclosure

Comments on Senate Bill 7, The Desert Protection Act, by
Dr. Kenneth S. Norris, University of California, Santa Cruz.

I am Kenneth S. Norris, a well known educator, scientist and conservationist who has worked for 40 years throughout the California desert area. I oppose Senate Bill 7, the Desert Protection Act.

Senate Bill 7 is the most anti-people legislation in my memory. It would lock up more than two thirds of this vast landscape in either park or wilderness, both of which responsive to only a modest fraction of the user public of the desert.

Witness these facts. Desert wilderness is not like forest wilderness. The deserts are largely without drinkable water. They are frequently dangerously hot. Only the young and experienced can go safely very far on them by foot, because all water must be carried. Even a few hundred yards during the wrong season by inexperienced people can invite disaster. The result is that existing roads are crucial both to visiting the land and to the safety of these visitors. These roads would be closed under Wilderness designation.

The existing BLM plan proposes 2.1 million acres of Wilderness, about one seventh of the landscape. Since wilderness is by status, roadless, this would close about 500 miles of existing access roads. This, in my view, is enough of this restrictive land use category.

My students and I have been involved in the baseline studies for two of the best of these proposed wildernesses (Kingston Mountains and Granite Mountains). We learned that stringent rules about size, wilderness value and absence of human impact are involved in proper designation. Even in the cases of these two obvious gems of desert wilderness, rules, especially about the presence of "the works of man," had to be stretched to the limit. We had to eliminate considerable tracts of otherwise desirable land. The BLM plan abides by these rules and only the best and most qualified lands are included. I support this amount of wilderness designation.

But Senate Bill 7 seems to include nearly every desert mountain, and many of these have been heavily impacted by man, and are too small or of dubious wilderness value. The Wilderness classification under Senate Bill 7, therefore, seems more politically defined than in compliance to the Wilderness Act. It seems more an act designed politically from some city office outside the desert than by those who actually know, experience, and use this landscape. This misuse I believe to be destructive of the vital Wilderness Act itself.

Senate Bill 7 would expand park and wilderness to about two thirds of the landscape. It would quadruple road closures to about 2,000 miles. On these established dirt roads, visitors such as teachers, recreationists and scientists at present may pick their way carefully into many desert vastnesses that will, under Senate Bill 7, be wholly inaccessible. They may now select camps near these desert roads and there they can find and savor the silence and majesty of the desert. Under Senate Bill 7 these same people will be crowded into lowland camps peripheral to desert mountains and will be unable to reach them.

They will have to share this fraction of the landscape with all other human users of the desert including those whose values they do not share.

We conservationists who value the aesthetic and educational experiences provided by the desert are much better served by the present system of management. We should work toward bettering its operation and not toward passage of the unbalanced and ill-conceived Senate Bill 7.

Commentary

Freezing the desert

Plan to create parks actually threatens wilderness

By Kenneth S. Norris

San Jose Mercury News ■ Wednesday, January 14, 1987 7B

THE California Desert Protection Act of 1987, reintroduced this year by California's Senator Alan Cranston, would freeze about two-thirds of the federal desert lands in California as either national parks or wilderness lands.

The plan is narrow and rigid. It springs from the "get every acre you can into a park" school of conservation.

Cranston's proposal would create three national parks: Mohave National Park with 1.5 million acres, Death Valley National Park (now a national monument) with just under 2 million acres, and Joshua Tree National Park with about a quarter-million acres. It would preserve 4.5 million acres as wilderness, to be managed by the federal Bureau of Land Management.

As in physics, the law "for every action there is an equal and opposite reaction" holds in politics. Because there are many calls made on this vast, arid landscape besides those of conservation and scenic preservation, such a wholesale and rigid commitment to a restricted viewpoint seems unwise. Freezing lands into park and wildlife status will intensify demands made on lands outside those designated areas.

I think we must plan for uses of the desert that we can hardly imagine today, and at the same time protect the scenery and natural values.

Will, for example, the sun-drenched and windswept desert be our energy source when the problems of emission-induced climatic change and acid rain threaten to overwhelm us? As arid-land agricultural technology develops in countries such as Israel, will we come to depend on these lands for food?

Cranston's bill would undermine a unique $8 million planning experiment in flexible desert management. Begun in 1976, five years of public hearings involving 9,000 citizens and a planning team of the Bureau of Land Management resulted in the monumental California Desert Conservation Area Plan.

The plan incorporated detailed scientific studies of this entire arid kingdom.

From this process emerged a consensus and plan to substantially protect the interests of miners, conservationists, educators, scientists, recreationists, ranchers, municipalities and businessmen. The plan that resulted is moderate, giving no special group all it wanted. This uniform lack of total agreement surely measures the plan's balance and indicates a good chance of long-term success.

By placing more than 8 million acres under park and wilderness status, the Cranston bill would crowd all other uses of the desert on the remaining lands, which doubtless will decline under the impact. That is the history of park establishment everywhere. Locking lands up in protection within the park tends to destroy those outside. The less undesignated acreage left after the creation of parks, the greater the effect. In this case, the effect should be extreme.

The biggest shortcoming of the Cranston bill is its emphasis on "instant wilderness," much of it for lands that are not suitable for such designation, according to the Wilderness Act. The California Desert Conservation Area Plan pinpointed 5.7 million acres to be examined as possible wilderness; after a long study, the BLM recommended a bit over 2 million acres scattered in 43 areas.

The Cranston plan would declare 4.5 million acres as wilderness, including many parcels the BLM deemed unsuitable, or didn't even include in its study. To approve this inappropriate land is to make the vital Wilderness Act trivial.

A tacit assumption of the Cranston bill is that the National Park Service would be a better land steward than the BLM. That is dubious. The Park Service is suffering a budget crunch of such proportions that rumors fly that a major park or parks will have to be closed temporarily to cut costs. To no conservationist's pleasure, more and more park activities are being farmed out to private interests because beleaguered park staffs cannot run them themselves.

In these difficult times, the Park Service simply has bitten off more than it can chew. In addition to the great western and Alaskan parks, it runs the White House, the national cemeteries, battlegrounds, seashores, wild and scenic rivers, lakeshores, urban parks, historical sites, scenic trails and Capitol parks. Worst of all, it also runs recreation areas around federal reservoirs, where the only service is to fishermen and where natural values of park quality — if they exist — are found only above that bathtub ring of cleared land that circles the shore.

At the same time, such giant parks as the 13 million acre Wrangell-St. Elias park in Alaska are operated by fewer than a dozen people. What we can expect in the desert is either poor protection and management, or dilution of effort at other important elements of the park system.

In the meantime, the BLM slowly has built a cadre of 19 knowledgeable and dedicated rangers on our desert. In spite of budget stringencies, their numbers have slowly crept up to meet the need. The BLM Desert Office is still desperately understaffed, far below the level to allow them to meet management responsibilities.

But it's better to fight to double their numbers, and to maintain the flexible approach of the BLM with high levels of public participation, than to "freeze the desert."

Kenneth S. Norris is a professor of natural history and environmental studies at the University of California at Santa Cruz.

Mineral Resources of the Eastern Transverse Ranges of Southern California

GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES © South Coast Geological Society 1982

Robert W. Ruff, Converse Consultants, Inc., P.O. Box 6288, Anaheim, California 92806; Mark E. Unruh, 1006 E. Commonwealth, Fullerton, California 92631; Paul A. Bogseth, Irvine Soils Engineering,Inc., 18003 Sky Park Circle, Suite G, Irvine, California 92714

ABSTRACT

The eastern Transverse Ranges are a fault bounded subprovince of the Transverse Ranges located approximately 100 miles east of Los Angeles. Extensive mineralization within the subprovince is associated with Mesozoic and Tertiary intrusives and Precambrian to Paleozoic basement rocks. Regional and local faulting control mineral deposition. Gold, silver, lead, iron, gems, copper and other products have been produced from several mining districts throughout the area. Historic mining activity extended from at least 1883 to the present and reported production has exceeded 3,093,000,000 dollars.

Recent geologic studies have resulted in a new interpretation of the geologic structure and history of the region. Tabulation and plotting of unpublished and little known mineral data on this new geologic data base presents an opportunity to reevaluate the known and potential mineral resources of the subprovince. The eastern Transverse Ranges are considered a potential source of mineral resources for the expanding southern California markets.

Based on information contained herein, it is recommended that much of the existing Joshua Tree National Monument be reopened to mineral exploration, and adjacent areas now being considered for wilderness closure be left open to mineral exploration.

INTRODUCTION

The eastern Transverse Ranges are a physiographic and structural subprovince situated east-northeast of the San Andreas fault and east-southeast of the San Bernardino Mountains, approximately 100 miles east of Los Angeles (Figure 1). These ranges consist predominantly of en-echelon east-west trending mountains within the northwest-southeast structural trend of California. Collectively, the eastern Transverse Ranges occupy a 30-mile wide belt extending from the San Bernardino Mountains on the northwest to the Orocopia and Little Chuckwalla Mountains on the southeast.

This study was limited to an area including five mountain ranges surrounding and within Joshua Tree National Monument. These ranges are the Hexie, the Pinto, the Eagle, the Cottonwood and the Little San Bernardino Mountains (Photograph 1). All five ranges are within a structural block bounded by active and inactive Cenozoic faults. The limits of the study area are defined by the San Andreas fault system on the southwest, the Pinto Mountain fault on the north, the Sheephole fault on the east and the Chiriaco fault on the south (Figure 2).

The area covered equals approximately 1700 square miles. The topography is quite rugged with elevations ranging from 5814 feet at Quail Mountain located near the northwest corner of the study area in the Little San Bernardino mountains, to a low of 200 feet above sea level near the base of the Little San Bernardino escarpment east of Indio, California.

The purpose of this paper is to describe the mineral resources and the mining history of the eastern Transverse Ranges, and to correlate the mineral occurrences with the regional structure and tectonic history.

An effort was made to catalog the mining activity and mineral production of the study area. Unpublished information collected from the California Division of Mines and Geology (Saul and others, 1961), the Bureau of Land Management (Bureau of Land Management, 1981) and mine owners, along with published sources, was reviewed and tabulated for the areas defined in this paper. This information was categorized into five assemblages which are informally called groups in this paper. The groups are: the Northern Hexie, the Lost Horse, the Gold Park, the Dale and the Eagle Montain (Figure 3). It should be noted that the Gold Park, Dale and Eagle Mountain Groups discussed differ slightly from the mining districts previously mentioned. While the general locations are similar, the defined boundaries vary. Mines located outside of the five groups have been listed under Miscellaneous Mines. The authors believe this listing to be the most complete to date.

Mineral exploitation has occurred primarily in the north and northeast portions of the eastern Transverse Ranges, within the Pinto and Eagle Mountains. Historically significant and well known mining areas within the Pinto and Eagle Mountains include the Dale, Gold Park and Eagle mining districts.

Many known resources have not been exploited to their full potential. Gold and iron have been the principle historic mineral products from the study area, however, a varied production has occurred in the region including silver, copper, lead, gems, sand and gravel, tungsten, zinc, molybdenum, uranium, rare earths and others.

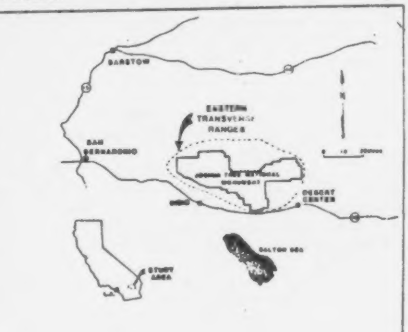


Figure 1. Location map.

San Bernardino Supervisors Hold Hearing on Opening Monument to Mining

THE Board of Supervisors of San Bernardino county held a public hearing on the proposal that mining rights be restored within the boundaries of the Joshua Tree National Monument in order to permit exploration of mining within the boundaries of the Monument. The proposal has been recommended to the supervisors by the Board of Trade of the county.

The hearing was held Monday, July 19, at the Health Center building in San Bernardino.

For a number of years the opening of the Monument has been a Western Mining Council project, the miners holding that prospecting and mine development in no way would injure the scenic value of the area. To date the Council has been successful in getting 189,000 acres eliminated from the park. This is in the eastern and southeastern portion of the area, which took in Pinto Basin, a highly mineralized section.

Uranium Possibilities Needs a Look

Now that the nation is hot on the trail of every and any spot of earth that will show signs of any radioactive materials, such as has already been discovered in the Monument, it is felt that the nation should not be denied the opportunity of at least giving the whole area, over a half million acres, a good test for uranium and others of California's over 60 commercial minerals.

NOTE - S-7
WILL PUT MOST
OF THE AREA
REMOVED FROM
JOSHUA TREE N.M.
BECAUSE OF
HIGH MINERAL
POTENTIAL—
BACK INTO A
NEW NAT'L
PARK!!

Death Valley Monument Open

Death Valley, a national monument of over 2,000,000 acres, is open to mining, the federal agencies in charge reporting complete harmony between them and the miners. There is no reason why it would be otherwise in the Joshua Tree Monument.

Withdrawals Hurt Tax Base

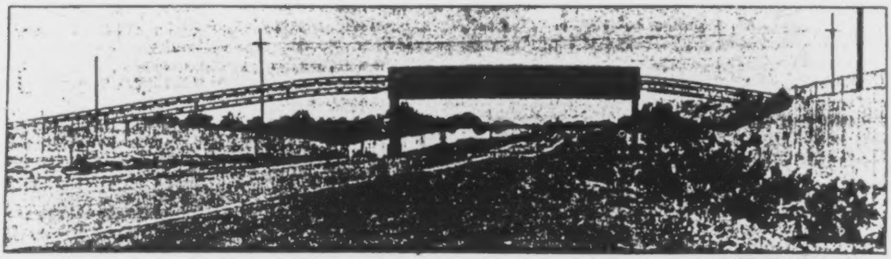
The rush of new people to California cannot be met with huge tracts of its lands tied up in what the federal government is pleased to designate as "wildernesses.' These "wildernesses" cut deep into the taxable areas of every county of the state. At the presnt time 46% of the area of California is tax free due to federal holdings. This practically doubles the tax load on the balance of the state and not only crowds settlers out of a big portion of the state but prevents the development of new industries to provide jobs for new settlers. If we don't provide jobs for the half-million new people coming into California every year the load on the Welfare Department will become unbearable.

There are too many reasons why large tracts of California lands should be excluded from development. At least those who would add to development should at least be given the opportunity to demonstrate the possibilities.

Our deadline for August prevents a report of the hearing which will be covered in our September issue.

There are approximately 21,000,000 acres of land under irrigation in the 17 Western States.

B-4 • Tuesday, February 4, 1986 The Press-Enterprise



JEANETTE HYDUKE/The Press-Enterprise

A conveyor carries diggings across Highway 78. Below, Anna and Richard Singer have stayed on; they live in a trailer on the mining site.

In 1980, 49-ers strike it wealthy

By PATRICIA BARNES
and JEANETTE HYDUKE
The Press-Enterprise

BLYTHE — Gold. The promise that lured the forty-niners across a continent summoned Richard and Anna Singer a century later to the arid landscape of the Chocolate Mountains.

For more than two decades, the Singers scratched away at the desert in the Mesquite Diggings about 50 miles southwest of Blythe. Their mines yielded enough fine gold to put food on their table.

But the Singers had a bigger vision: opening up enough mines to prove the value of commercial ore bodies to a large company and selling their claims. Then they could retire.

And they did just that.

The Singers in 1980 sold their mines to Gold Fields Mining Corp. for a sum that would make them wealthy for the rest of their lives.

Now, because of the Singers, other residents of the region are about to strike it rich, too, in the form of jobs.

Robin J. Hickson, manager of the Mesquite Mines, said that he anticipated an annual yield of 110,000 to 130,000 ounces of gold. Production began last week, and is expected to reach full capacity by January 1987, he said.

Gold Fields started exploration and operation at Mesquite in 1981. Since then, Hickson said, expenditures have exceeded $80 million. "Once production gets under way, annual production costs will be $22 million, including wages for over 200 employees, and we are planning on hiring more employees later on," he said.

Hickson said he had been hiring locally from El Centro and Blythe. "Our payroll will run over $6 million."

Gold Fields' parent company is Consolidated Gold Fields PLC of London, the second-largest producer of gold in the world. The company owns mines in New Mexico, Nevada, Texas, South Africa and Australia as well as California.

Hickson said more than 57 million tons of low-grade ore have been blocked out on the 2,000 acres of claims in the Mesquite Diggings area. He said drilling has uncovered additional ore bodies that will keep the company busy for the next 15 years or more.

"We will be mining ore from two pits, the Lena and the Big Chief. Each mine will be approximately 2,500 by 1,000 feet long.

A crusher with a capacity of 800 tons an hour is situated near the open pits. Crushed ore will be carried over Highway 78 by a 3,100-foot-long conveyor to a fine crusher and processing area.

When exploration work first began on the mines, Pinkerton security men were hired to guard them; now that the mines are going into production, the company has hired its own security guards.

Hickson says the company discourages visitors. No one is permitted to enter the mine area without first passing security at the entrance, and again when leaving.

But the Singers can view the mining operation from their trailer, which stands on what is now company property, watching their dream become reality.

Dick and Anna always enjoyed prospecting. Dick, a disabled World War II veteran, wanted to be an inventor, but followed his trade as a mechanic and radiator repair man. Anne is an artist. They shared a love for the desert and the quest for gold.

The Singers became infatuated with the Mesquite Diggings area. After much researching of old records and history of the mining in that area, they staked their claims and settled down there in 1957.

For years, the Singers worked their claims in the desolate region, selling the gold they mined to collectors and individuals. When desert temperatures sizzled above 125 degrees, the Singers would go to San Diego where Dick worked in a radiator shop to make enough money to return to the Mesquite Diggings.

"We barely survived sometimes," Anna said, "but we knew that what we were doing was putting together the many pieces of a mineralogical jigsaw puzzle, which eventually did reveal to us that the Mesquite Mining District was an excellent exploration area for large mining companies that had the expertise and capital to [illegible].

"We put together a prospector's geological map of all the area we had tested and began then to contact large mining companies."

The mining companies showed an interest and sent geologists, but they turned the property down, saying the area was too desolate and short of water, the ore too low-grade. In fact, many

aged. Gold values began to climb. The Singers established that water could be found in the area, and they kept records of all the assays and tests and what geologists from the large companies had said when they examined the area.

"We had organized the Gold Diggers, a group which was comprised of other mine owners in the area, and with their information and our findings and data, we began to build and round out the theory that there could possibly be more than one large, low-grade ore body in the area," Anna said. "We were sure we were on the right track."

Enter geologist Mike Harris.

"We first met Mike when he was working for the Hanna Mining Co. at Picacho Mine. We took him and showed him the Mesquite

was involved with other interests and would not spend time or money in the area. But in 1980, Mike came back as a geologist working for Gold Fields Mining Co." Anna said. "Gold Fields brought in more geologists that were impressed, and, thus, the Mesquite Mines were born."

The Singers are proud of the history of the Mesquite Diggings and their part in its story. According to the Singers, Felisarro Parra discovered the gold placers (deposits) of the Mesquite Diggings back in 1876.

Development of mines in the area began to expand when in 1877 the Southern Pacific Railroad, laying track eastward from Los Angeles, built through the Glamis and Mesquite areas and

supplies for the mines in the entire area as far north as Blythe.

Railroad and Mexican laborers worked the shallow diggings down to false caliche bedrock, a crust of calcium carbonate. Later, during the Depression, a few men out of work came into the district and sunk some shallow shafts on narrow but rich stringers and worked out pockets of gold.

Today, the Singers said, other companies are working in the area, including Chemgold Inc., which has been producing about 15,000 ounces of gold a year from its operations at Picacho Peak.

Newmont Mining has been carrying on operations in the Cargo Muchacho Mountains, and Anaconda Minerals has been exploring in the area. So have other

California Mining Journal, May 1985

Proposed National Park Status Would Eliminate Mining

by Russ Hartill
The Living West

This month's guest editorial is an open letter to the San Bernardino County Environmental Review Board and BLM regarding the proposed East Mojave National Park being advocated by environmentalists and the pending application for mining permits by Amselco Exploration for their proposed Colosseum Mine Project.

In 1980, the U.S. Department of Interior designated 1.4 million acres of Southern California the East Mojave National Scenic Area. A first in our nation, this national scenic area was created out of a dual concern—protection of natural resources *and* the continuation of traditional uses including mining and livestock grazing. The scenic area was created instead of a national park to permit mining while recognizing and protecting important natural features. Although the current plan respects mining's major historical and current role in the desert, it is being threatened by a handful of environmentalists lobbying for the creation of a Mojave National Park.

Park advocates consider mining within this 2,187 square mile area to be an "irresponsible use of public land." Grazing, off-road vehicle use, hunting, and even use of land for utility powerline corridors are also considered encroachments to their "gem of the California Desert", as they refer to this land.

Citing the BLM's tolerance of mining and multiple use of our desert as unacceptable, park supporters want the National Park Service to control the desert, thus preventing those uses they consider improper. In their place, they envision "improved dirt roads, a few paved roads, campgrounds with water and sanitary facilities..." and a park headquarters in the old Kelso depot.

Friends of the Mojave National Park emphasize that "within any campground all that is really necessary are simple conveniences. Not needed are more paved roads, extra so-called modern conveniences, constructed picnic grounds, etc." In this last sentence one can begin to appreciate their narrow-elitist view of who should be allowed to use our desert and who should not. Since only simple conveniences (water and sanitation only) would be found in their natural park, they wish to restrict use to only those wishing a wilderness experience. The idea of specifically not constructing picnic grounds seems to reveal their intentions to restrict/prohibit daytime family use of this land.

Forget about motorized travel within the park—motorcycles, ATVs, and off-road vehicles are apparently decadent devices of an evil world which will not be tolerated in their private utopia. If you get the impression that they are creating a private playground that only they are permitted to play in, you're not far off the mark.

In a published overview of his group's intentions and in a letter commenting on a proposed Colosseum Mine Project, Peter Burk, of Friends of Mojave National Park, continually acknowledges the historic value of old mining camps found within the proposed park's boundaries and considers them part of those qualities that make this area "unique," "breathtaking," and "invaluable."

Burk makes the statement that "nothing is sadder than for a civilization to lose touch with its past." I contend there is something sadder—losing touch with reality. While he touts the value of ghost towns and mining camps like Providence, Vanderbilt, Barnwell, Hart, and both Ivanpahs, Burk appears completely opposed to mining. Such hypocrisy if implemented 100 years ago would have prevented the creation of those values he now wishes to protect. One gets the impression Mr. Burk, et. al., is only interested in preserving early evidences of mining as examples of historic "irresponsibility." Such shallowness reveals an obscene disregard for our mining heritage. The false concern for mining history is only an attempt to rationalize the exclusion of mining in a mineral-rich area.

If ecology groups were so truly interested in mining history, they would appreciate the fact that history lives. The denial of mining in an area so rich in mining history would only serve to diminish the future value of this area in specific and our economic posture generally. The Clark Mountain resource area is the most mineralized area of its size in the entire California Desert. The total estimated value in known deposits of mineral commodities in this part of the Mojave Desert is 19.99 billion dollars (as of 1978) and includes rare-earth elements, thorium, limestone-dolomite, gypsum, gold, copper, silver, tin, tungsten, lead, sand and gravel.

Since 1972 my company, The Living West, has been studying the mining history of the California Desert. We have identified Ivanpah as one of 43 major historical mining sites in Southern California. Ivanpah has a near-Statewide significance rating comparable to Lookout and Cerro Gordo in Inyo County, has a high research potential and could possibly qualify as a California historic landmark. Contrary to Mr. Burk's group, The Living West does not use historic mining sites as an excuse to prohibit mining. Rather, we encourage responsible operators like Amselco/British Petroleum to develop and mine ore as a logical extension of previous activity in the hopes of interpreting both the past and the present in such a way that the important role mining plays in our civilization is reinforced and displayed for all to see. We are confident that Amselco's plan of operation is an environmentally (and historically) sound proposition that will enhance the East Mojave's historical character while adequately protecting its natural scenic qualities. □

BY THE COMPTROLLER GENERAL

Report To The Chairman, Subcommittee On Mines And Mining, House Committee On Interior And Insular Affairs Of The United States

OF THE UNITED STATES

Mining On National Park Service Lands -- What Is At Stake?

The Department of the Interior recommended to the Congress in 1979 that mining claims on certain National Park Service lands be acquired for environmental protection. GAO found that these recommendations were based on vague and misleading environmental and cost data and, if implemented, could result in costs substantially in excess of the reported estimates.

GAO believes that the Congress should defer any action to acquire mining claims on these National Park Service lands. GAO recommends that the Department notify the Congress that it no longer supports these outstanding recommendations and submit more thorough analysis of the need and costs of acquiring these claims.

GAO also found that Interior did not fully analyze the mineral supply implications of its recommendations. Specifically, Interior failed to assess adequately the effects of acquiring the mining claims on the U.S. need for the minerals and the cost to replace them from other sources.

The National Park Service now states that current mining regulations have ensured that mining on these park lands is occurring in an environmentally acceptable manner. However, NPS had not considered less costly means of achieving the same results. This is particularly true for Death Valley National Monument, an area historically and currently important for mineral production.

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SEPTEMBER 24, 1981

CHAPTER 3

DETERMINING THE VALIDITY OF THE MINING CLAIMS--A NECESSARY BUT UNFINISHED FIRST STEP

This chapter discusses the problems we identified with the procedures used by Interior to determine the validity of the mining claims and why these determinations have still not been completed, nearly 5 years after enactment of the law.

In hearings prior to the passage of Public Law 94-429, Interior officials testified that there were thousands of mining claims scattered throughout four of the six park areas. In fact, Interior officials estimated that as many as 50,000 mining claims and mill sites were located in Death Valley National Monument and approximately 3,000 in Organ Pipe Cactus National Monument. The Congress required that each claim holder record his mining claim with the Department of the Interior within 1 year of the date of enactment of the law. Once the claims were recorded, the Secretary was to determine which of the claims were valid.

Any unpatented mining claim or mill site location that was not recorded within the year or was found to be void or invalid through the validity determination process reverted back to Federal ownership.

NUMBER OF MINING CLAIMS DETERMINED AS VALID TO DATE AND REASONS FOR DELAY

Although Interior officials originally believed more than 50,000 mining claims were located in the six park areas, only 1,310 claims were actually recorded with the Department. Almost 5 years have passed since the enactment of Public Law 94-429, and Interior officials have still not determined the status of almost 50 percent of the 1,310 recorded claims.

The chart on the next page shows how many unpatented mining claims were thought to exist at the time of the enactment of Public Law 94-429, the status of the recorded claims as of September 1978, and their status at present.

NUMBER AND STATUS OF THE UNPATENTED MINING CLAIMS IN THE SIX PARK AREAS

Number of Mining Claims Estimated Prior to Enactment of Public Law 94-429

	Valid Unpatented	Invalid	Undetermined	Recorded
Death Valley			50,000	
Glacier Bay			270	
Crater Lake				
Mt. McKinley			300	
Organ Pipe			3,000	
Coronado				
Total			53,570	

Number and Status of Mining Claims as of September 1978

	Valid Unpatented	Invalid	Undetermined	Recorded
Death Valley	19	23	821	863
Glacier Bay	1		211	212
Crater Lake				
Mt. McKinley			74	74
Organ Pipe		59	102	161
Coronado				
Total	20	82	1,208	1,310

Number and Status of Mining Claims as of May 1981

	Valid Unpatented	Invalid	Undetermined	Recorded
Death Valley	44	486	333	863
Glacier Bay	1	13	198	212
Crater Lake				
Mt. McKinley		4	70	74
Organ Pipe		161		161
Coronado				
Total	45	664	601	1,310

In addition to the valid unpatented claims, Death Valley and Glacier Bay National Monuments contained a total of 138 patented mining claims. A patented mining claim refers to Federal land for which the Government has given legal title to an individual or individuals. Since the legal status of these claims is known, no validity determinations were required.

Wilderness tragedy

Three of 25 Mexicans die trying to walk across desert into Arizona

Associated Press

DATELAND, Ariz. — Twenty-five suspected illegal immigrants who tried to walk across 50 miles of searing desert ate toothpaste and took turns drinking urine as they fought to survive, one of them says.

Three men had died by the time federal agents found the group members Monday and Tuesday, authorities said. Two other men were hospitalized in stable condition.

Temperatures reached 111 in Yuma on Monday and may have reached as high as 120 in the desert where the group was found, said Al Saucier, assistant chief of the Border Patrol's Yuma sector.

Criminal charges will be sought against one member of the group who was believed to have served as the guide, officials said.

According to Saucier, the group crossed the U.S.-Mexico border at Los Vidrios, about 80 miles east of San Luis, Sonora, and had planned to walk to Interstate 8 near Dateland before heading for California, Saucier said.

All were believed to be Mexican nationals, Saucier said, adding that all were adults with the exceptions of two males age 16 and 17.

Group members told agents they had planned to pay a smuggler between $350 and $400 apiece to take them to agricultural jobs in the San Joaquin Valley.

The group got about 20 miles inside the border and then began to split up, apparently as a result of disorientation caused by heat and dehydration, Saucier said.

Each member of the group had a gallon of water for the journey across the desert, officials said. A person loses half a gallon of body water per hour in the desert heat, authorities said.

One of the survivors, 18-year-old Martin Flores Rodriguez, of Culiacan, Sinaloa, Mexico, said several of the men urinated into a bottle and took turns drinking from it. The survivors also ate toothpaste after they ran out of food, Flores said.

The Border Patrol learned of the group when agents found two of its members in the Dateland area Monday, huddled under the shell of an abandoned bus, Saucier said.

The two told agents they had left 23 others in the desert.

"If they had not been spotted, I don't believe anyone would have been found," Saucier said of the first two. He said they were 10 miles from the closest road when spotted.

Air and ground searches found 16 aliens before nightfall Monday and the rest Tuesday, officials said.

Patrol officials have been stepping up searches in the hope of preventing deaths along desolate stretches of the border.

Associated Press

Martin Flores Rogriguez, 18, and Rafael Garza, 28, were among 22 who survived in part by eating toothpaste and drinking urine.

Yuma, Arizona lies on the opposite [illegible] from the California Desert Conservation Area. Each year desert travelers die from the heat... the desert is a hostile environment. Portions of the California Desert are even hotter than where this tragedy took place. Backpacking or hiking in the desert can be very hazardous...Your vehicle is your life-support system in the California Desert Conservation Area.

THE DESERT PLAYA--- A DYNAMIC ENVIRONMENT FOR GEOLOGICAL RESEARCH, MILITARY USE, RECREATION, CONSTRUCTION AND TOXIC OR RADIOACTIVE WASTE DISPOSAL

Donald L. Fife, Box 1054, Tustin, California

ABSTRACT

Playa is the Spanish word for shore or beach. In English it has lost its original meaning and is used to described the dry lakes in the closed basins of arid regions. Playas often slope less than 0.2 m per kilometer and are among the flattest of all land forms. In the western North American desert there are hundreds of playas greater than 5 km.^{2} in area. The flat broad surface of a playa has important military as well as recreational uses. The Space-Shuttle may use these vast natural features as scheduled or emergency recovery areas throughout the arid regions of the earth. In addition to these important uses, many playas overlie valuable accumulations of lacustrine or evaporite minerals (Blanc and Cleveland, 1961).

Playas usually consist predominantly of clay minerals, carbonates, salines and zeolites with silt size particles of quartz, feldspar and other clastic sediments (Droste, 1961).

Playa sediments underlie many arid closed basins, including large alluvial plains adjoining active playa surfaces. Natural arid climatic conditions or pumping may lower the water table. As water levels in aquifers in contact with the clayey playa sediments are lowered, the arid environment allows the clay and hydrous minerals above the capillary fringe to desiccate building up stress. Giant polygons are formed when cohesion in the desiccating sediments is overcome by tensional forces. Explosive and seismic forces can trigger the initial rupture.

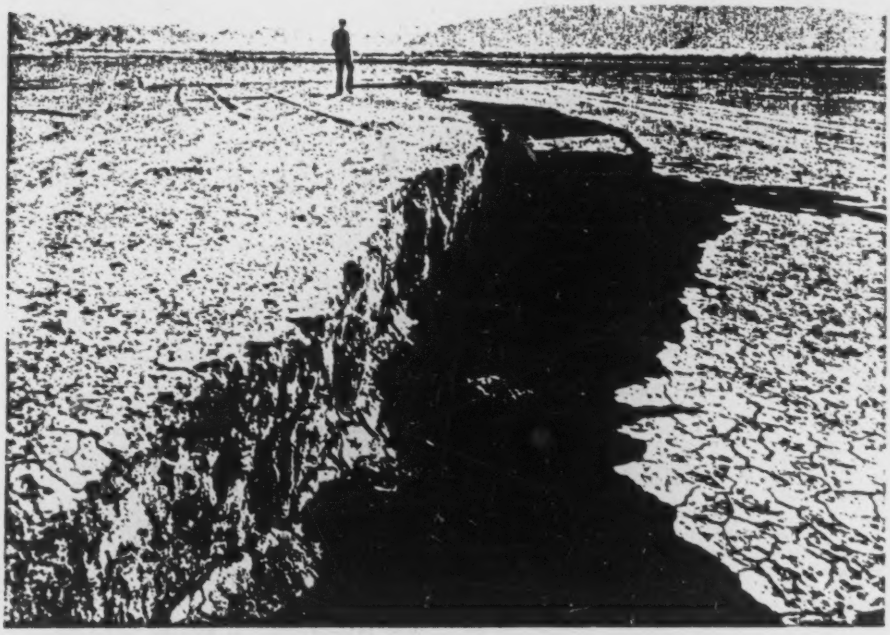

Photo 1. Mesquite Playa, Twentynine Palms, California. Playa fissure resulting from faulting, desication, and erosion as this ephemeral lake drained to the water table 90 m. below.

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*Presented to Southern California Section Association of Engineering Geologists, Los Angeles, CA. September 1981 (DLF(714) 669-0383.)

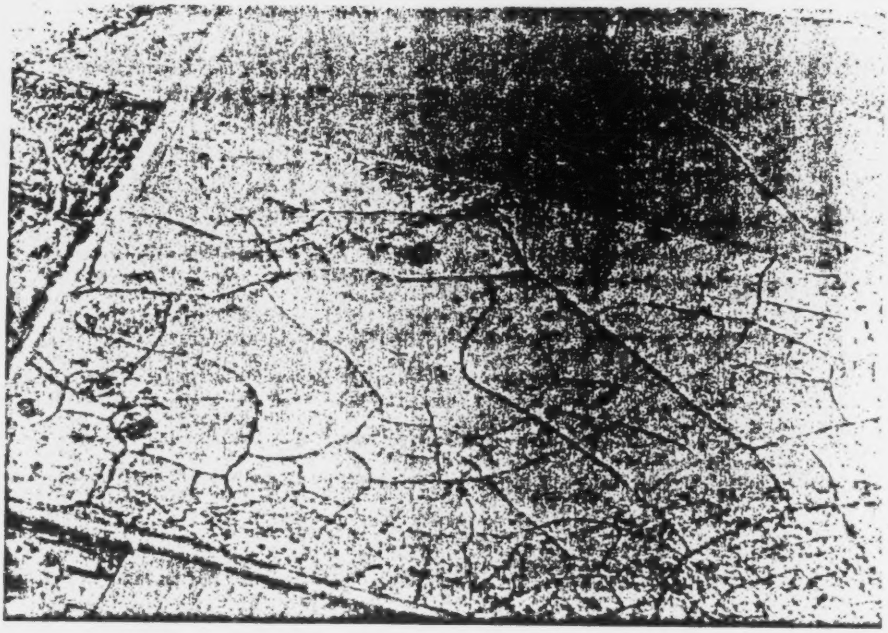


Photo 2. Aerial view of Lucerne Valley Playa, California. Giant desiccation fissures accentuated by vegetation growing in polygonal openings. Fissures were first observed here in 1942 when mining of groundwater "decoupled" the water from the upper portion of the clay body. Note the farmhouse and autos in lower left hand corner for scale.

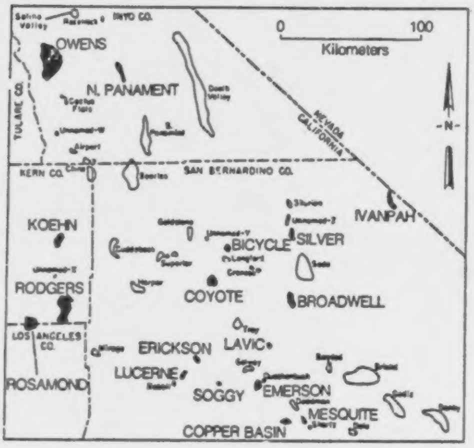
Playa fissures frequently gain attention when ephemeral flood waters exhume large conspicuous gulleys or fissures (Photos 1, and 2). The origin of most large playa fissures can be traced to smaller inconspicuous breaks related to: 1) faulting, 2) subsidence, 3) uplift, 4) massive desiccation, or 5) a combination. The first two causes are generally recognized by geologists and engineers working in the playa environment. However, in the author's experience massive desiccation, forming giant desiccation polygons is the most common cause and the least recognized original source of playa fissuring. Massive desiccation is defined as the moisture loss from clayey sediments or evaporites sufficient to produce giant desiccation polygons and fissures.

As playas are relatively homogeneous sedimentary bodies and normal stress and ultimate shear from massive desiccation can be predicted from the stress-strain elipsoid for individual playas, the geometry of playa fissures may be used to identify regional stress patterns if they were significant at the time of formation of the giant fissures (Fife, 1980).

Surface waters have been observed to recharge the water table directly through giant fissures. Reservoirs built over fissures may be rapidly drained after water establishes a connection with openings at depth. This tends to degrade the ground water quality and allows fissures to erode to spectacular dimensions. They may be greater than 1 m wide at the surface, and 0.5 m at depths of 6 m. During wet periods the fissures tend to "heal" and all surficial evidence may be erased during a single storm season. However, under favorable conditions, old fissures may be detected by geophysical methods, such as shallow refraction. Once desiccation is resumed, fissures tend to reopen along pre-existing polygon boundaries. With extreme desiccation, the polygons tend to divide into smaller and smaller polygons.

Fissures have the potential to store water which may become hazardously perched above tunnels or excavations in the playa. Fissures are commonly observed filling with windblown sand, and, where they pass beneath sand dunes, running sand can form "sand-stone dikes" which become semi-permanent conduits to the water table.

As playas have been proposed for disposal of radioactive and/or toxic wastes (Burnett and Taylor, 1973), the potential for fissures providing a conduit to the water table must be recognized. The fissures are hazardous to surface transportation and landing aircraft. When they occur beneath a structure, they may cause severe damage. The propensity for fissure development can be a danger to pipelines and power transmission towers. Fissures tend to originate in the weakest vertical zone, which may be an excavation, tower footing, or boring. Mitigation measures include awareness, avoidance, structural compensations and control or stabilization of moisture content.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SAN BERNARDINO CO.
IVANPAH
KOEHN
Goldstone
BICYCLE
SILVER
Superior
Langford
Soda
RODGERS
COYOTE
BROADWELL
Troy
LOS ANGELES CO.
ERICKSON
LAVIC
LUCERNE
Bagdad
Bristol
ROSAMOND
SOGGY
EMERSON
Cadiz
Danby
MESQUITE
Dale
COPPER BASIN

Figure 1. Map showing in caps the location of some playas with evidence of active or late Holocene giant desiccation polygons and/or fissures. (Modified from Droste, 1961; Neal others, 1968).

Photo 3. Playa with a network of interconnecting subsurface channels bridged over by later playa sediments. This condition has the potential to drain a body of water above and store water in the subsurface. Shallow seismic refraction can sometimes be used to detect this condition.

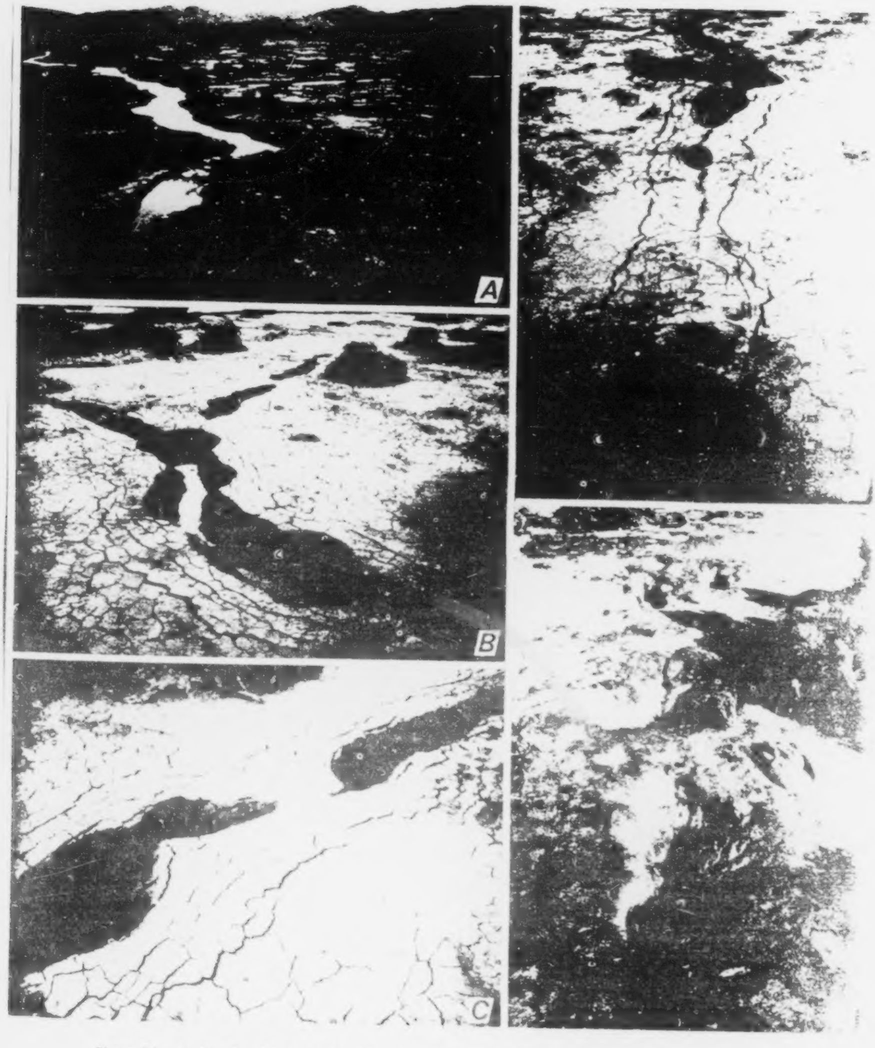


Photo 7A, B, C, D. Giant desiccation fissure "healing" after desert cloudburst.
Photo 7E. Giant desiccation fissure under sand dunes is filling with sand, creating a "sandstone" dike. All photos taken along southern margin of Lucerne Valley Playa in 1976.

COVER: Superconductivity, once a dead end, becomes the hottest thing in physics

Flying trains. Practical electric cars. Dime-a-dozen medical imaging machines. Normally cautious scientists are talking seriously about the prospects for these and other blue-sky inventions. Reason: a rapid-fire series of breakthroughs in substances that conduct electricity with perfect efficiency could eventually revolutionize technology. *See* SCIENCE.

TIME
Wiring the Future
THE SUPERCONDUCTIVITY REVOLUTION

Letters to the Editor

Desert has Rare Earth

Page 4 - THE LEADER - Wednesday - May 20, 1987

To the Editor:

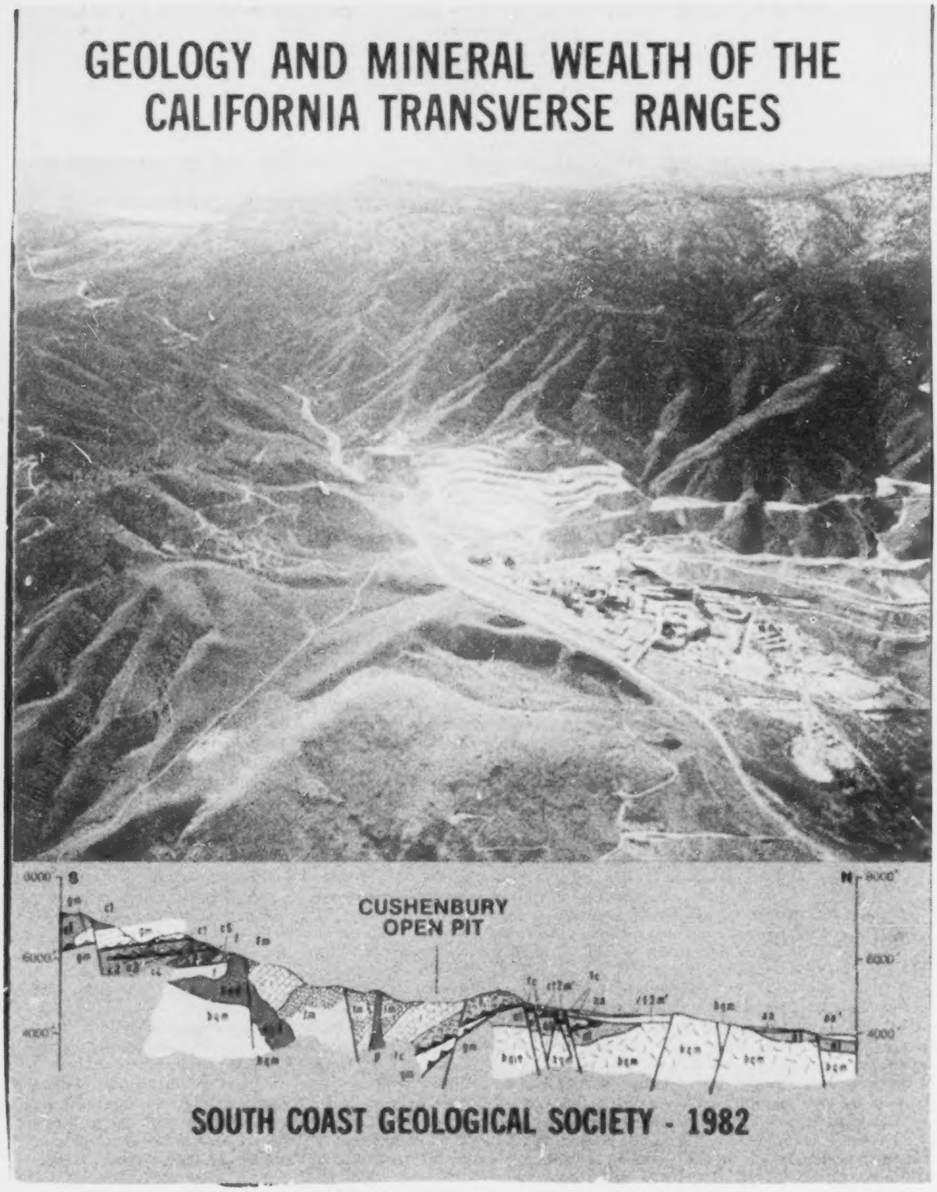
While our university and commercial researchers are racing to bring a new technology to society; one that obviously could bring a better environment and quality of life to America via clean fusion energy, vastly more efficient electrical power transmission and smogless/noiseless electric automobiles; the environmental extremists are racing to pass U.S. Senate Bill - 7 "The California Desert Closure Act," ... a devastating conversion of 10 million acres of California's richest mineral lands into closed National and Wilderness Park status where society will lose access to our nations richest and only known region of Rare Earth mineralization.

The Mountain Pass Rare Earth Mine in the middle of the proposed Mojave National Park supplies more than 97% of the western world's Rare Earth Lanthanides (Lanthanum, Cerium, Neodymium, Praseodymium, Samarium, Cadolinium, Europium, and others) that make the new superconductivity and supermagnetic technology possible. The surrounding region will be our prime source of new Rare Earth discoveries needed to meet the future demand to convert America to the new technology.

This freezing of society's superconductivity resources should not be too surprising, as it is just an extension of one of America's least known and most scandalous transfers of America's resource dependency to foreign sources such as South Africa and Soviet Block Countries. So much of America's resource base has been frozen or locked up away from society's access, some experts estimate an area equal in size to the states of California, Nevada and Utah combined, that it now seriously affects our balance of payments and has exported thousands of jobs overseas.

God help us if the promising new superconductivity technology makes us dependent on the only other known principal source of these high tech elements... in communist China!

DONALD L. FIFE



GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES

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SOUTH COAST GEOLOGICAL SOCIETY - 1982

GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES

Edited by
Donald L. Fife and John A. Minch
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PREFACE

Observations on the status and state-of-the-art of economic geology in the California Transverse Ranges.

The purpose of this volume is to document and disseminate some of the new information on geology and mineral resources of the Transverse Ranges. These Ranges are one of the principal geomorphic provinces of California. They extend from Point Arguello and San Miguel Island along the Pacific Coast eastward some 300 miles to the Eagle and Chuckawalla Mountains just west of the Colorado River. They range up to 50 or more miles wide and cover an area roughly equivalent in size to Massachusetts and New Jersey combined. The Transverse Ranges Province consist of a series of long, narrow east-trending mountain ranges and valleys that are transverse to the northwest-trending Coast Ranges on the north and Peninsular Ranges on the south. Tectonic features are generally related to east-trending fault zones, however, the northwest-trending San Andreas fault makes "a great bend" as it passes through the province. The region is tectonically active and has probably been distinguishable as a separate province since the late Mesozoic or early Cenozoic, although not in its present configuration. Rock units from nearly all major eras and periods are represented, beginning with Precambrian rocks over two billion years old.

The last comprehensive work on geology of the region was in the *Geology of Southern California* Bulletin 170 of the California Division of Mines and Geology edited by Richard Jahns in 1954. The last documentation of individual mineral resources or commodities in the region are usually found in The California Journal of Mines and Geology dating from the 1940's or 1950's. The last comprehensive state-wide summary of mined resources was in *Mineral Commodities of California* Bulletin 176 of the California Division of Mines and Geology edited by Lauren Wright in 1957. Since 1960, very little in-depth regional research has been undertaken by government or academia with economic geology as a major objective. One possible exception has been the recent regional studies and classification of aggregate resources by the California Division of Mines and Geology brought on by a resource crisis created when planners and government leaders did not have factual up-to-date information available on which to base sound land use decisions.

During the past 30 years, there has been a revolution in exploration geology and mineral economics; while every text book on the subject has been thoroughly revised several times. However, geology and mineral resources of the Transverse Ranges have been largely neglected in the literature.

During this same period, the population of California has doubled and now represents the single largest industrial and agricultural market in North America. If the gross regional product of California were ranked with the gross national products of nations, it would rank with the top ten nations in the world. Mineral exploration is the R & D of mineral industry. Regional economic geology and mineral commodity studies are the foundation of mineral exploration. The lead time to open a new mine now in California commonly exceeds 20 years or more. Basic state-of-the-art regional geologic and specific mineral commodity studies are necessary to keep California and the United States competitive with the rest of the world and to maintain our standard of living. Composing only 5% of the world's population, Americans consume about 20% of the world's production of nonfuel minerals. Each Californian requires on the order of 40,000 pounds of new mineral commodities each year just to maintain his or her standard of living.

California is now one of the most important mineral and hydrocarbon producing states. However, we also import mineral commodities to supplement our growing economy from all over North America and the rest of the world. Many of these imported commodities are known to exist here and many if not most could be found and developed under proper political and economic incentives. Of particular importance are the bulky nonmetallic low unit price commodities for which the freight cost to California may exceed the purchase price elsewhere. Examples are mineral filler extenders and phosphate rock. As the largest agricultural state in the United States, we are the largest consumer of phosphate and import 100% of our supply, yet we have done almost nothing to promote exploration and development of known local phosphate occurrences and deposits that could potentially save millions of barrels of petroleum (a strategic commodity) which is used to process and import phosphate from other regions. Mineral filler extenders, such as limestone, mica, silica and talc, used as filler to replace petroleum in expensive petroleum-based plastics, paints, and rubber are commonly purchased east of the Mississippi River for less than the cost of the rail transportation to California.

The Transverse Ranges are host to several giant petroleum fields and major deposits of diatomite, iron, kaolin, high-calcium limestone, titanium, and tungsten. Significant known deposits or occurrences of alumina, barite, borate, cerium, chromium cobalt, columbium, feldspar, gold, mica, molybdium, phosphate, silica, silver, tin, uranium, vanadium, yttrium, ytterbium and many other elements or minerals strongly suggest society needs to consider the Transverse Ranges as an importrant repository and future source of these and other mineral commodities.

The Transverse Ranges are found in Santa Barbara, Ventura, Kern, Los Angeles, San Bernardino, and Riverside Counties. Approximately 90% of the nonurban areas of remote continental shelf and/or mountain terrane is federal or state lands, and under the management of the Forest Service, Bureau of Land Management, Park Service, Department of Defense, and State Lands Commission. Nearly 50% of California is federally owned, and contrary to popular belief, federal ownership of the state has been increased by more than 2 million acres during the past few years.

Because of their federal ownership these lands are not generally threatened by urban or other development. Like most of the remaining western public lands, there is a misconception promoted by an influential but obscurant vocal minority that all public lands must be "preserved" or "saved" from multiple use by designating them for the consumptive land use (non-use) known as "wilderness"; a status which exceeds the strictest status of a National Park or National Monument, and, of course, total removal from the industrial-energy-mineral base of the United States. Since 1964, the nation has reduced its industrial-energy-mineral base through actual or defacto wilderness withdrawals (resource freezes) of an area nearly twice the size of the State of California. And, this at a time when the Soviet Union is expanding their industrial energy-mineral base into the vast expanse of the Asian Continent. The Soviet Union has almost a 3 to 1 advantage in energy-mineral land base over the United States. Each new wilderness or resource freeze has the effect of increasing the Soviet advantage in exploration area and exporting present and future jobs overseas. Many of these jobs are created in Soviet block countries.

This volume contains a sampling of reconnaissance mineral resource studies for proposed wilderness areas (Wilderness Study Areas-WSA's) taken from open-file or unpublished files of the U.S. Geological Survey, U.S. Bureau of Mines, and U.S. Bureau of Land Management. Most of these add to our knowledge of these areas, but the professionals were given the impossible task to "inventory" the WSA's with only cursory geochemical, geophysical, and geological reconnaissance studies. Commonly, few if any excavations, drill holes, cores, or detailed geophysical or geochemical surveys were available. The regional economic mineral data base for large areas are generally inadequate for rigorous statistical treatment; "low mineral potential" really means "unknown mineral potential" in a substantial percentage of the WSA's.

The authors generally are experts in their specialities and their professionalism is widely respected. However, the task of "inventorying" the mineral potential of such large geologically complex areas for possibly unique mineral occurrences is impossible. Normally only previously identified resources are documented in such reports. This is especially so when "only deposits that are economic at the time of the examination" will be considered in the mineral potential of the area. The size of the potentially economic targets could be as small as a few tens of feet in length or diameter. For example in the Oriental Mine in Alleghany, California, one ore-shoot which measured 22′ × 14′ × 6′ produced an astounding 35,600 ounces of gold worth more than $14,000,000 at today's prices! It is extremely doubtful that a reconnaissance mineral study into a virgin territory could identify such an ore-shoot. Yet, more than 1,000,000 ounces ($400 million 1982 dollars worth) of gold has been mined from narrow, irregular and highly erratic ore-shoots in the immediate vicinity along part of a Jurrassic plate-boundary now known as the Melones fault zone.

Ruff and Unruh in the South Coast Geological Society's 1980 Geology and Mineral Wealth of the California Desert volume describe $600,000 worth of specimens mined and shipped to Europe from the Copper World Mine, in San Bernardino County. This mine lay abandon for sixty years and it is doubtful that this resource would have been identified in a typical mineral inventory.

Another virtually impossible-to-"inventory" mineral resource was found by a non-metallic mineral producer who discovered a dolomitic marl from a common-looking lacustrine deposit increased fuel efficiency in the kiln feed by 5%. With a fuel bill of $2,000,000 per month that adds up to a $1,200,000 savings the first year.

A common conclusion of many of these reconnaissance wilderness mineral reports is that 1) because the area has been "prospected for more than 100 years" and no mines exist, and/or 2) the old mines are abandoned and "worked out" that no mineral potential presently exists. Obviously, these are not scientifically valid reasons for assuming low or no mineral potential exists. All of the above have been said of the San Gabriel anorthosite complex and Mt. San Antonio areas of the central Transverse Ranges, yet this volume documents some of the most significant mineral occurrences or deposits in the state are found there. For example, the Curtis Tungsten Mine in Cattle Canyon was walked over and worked for placer gold by hundreds of prospectors and miners for more than a hundred years. Several years ago a small miner named Andrew Curtis discovered in an old auriferous channel what is now reported to be a world class scheelite deposit with potential to supply a significant portion of the United States demand for tungsten. It should be pointed out that this deposit is currently being recommended to Congress for inclusion in the Sheep Mountain Wilderness Area!

Another case is the Rare Earth deposit at Mountain Pass, California, where 60% of the Western World's rare-earth reserves were discovered by three uranium prospectors, Herb Woodward, Jim Watkins, and "Pop" Simon, in 1949 in a belt several thousand feet wide and several miles long, and perhaps 3,000 feet deep. The Sulfide Queen Gold Mine operated for years almost on top of the rare earth ore-body. Hundreds of prospectors and dozens of geologists had walked over it, while millions of motorists drove over it on their way to California. There was suddenly so much rare earth materials, as well as no known way to process it, that the deposit would not be considered economic, and, therefore, not a valid discovery under today's mining laws and excessively strict rules of marketability. As in practically every mineral discovery, it took considerable capital to make the deposit economic. In 1980, Warren Warhol in the South Coast Geological Society's Geology and mineral Wealth of the California Desert notes " . . .*that many of the uses of the rare earths were developed only after their commercial availability was demonstrated . . .on a scale which was only made possible by the Mountain Pass orebody. The research and development efforts that followed created . . .the economic value of the orebody. It is easy to overlook the significance of this order of events; that is, the discovery value and its contributions to the technologies of chemistry, metallurgy, glass, electronics, and petroleum refining. The lesson to be learned is plain: If this area had been closed to mineral entry in the past, not only would the benefits from this resource have been postponed, but its value would still not be established.*"

The vast majority of deposits cannot normally be identified by simply walking over them and sampling the surface. Detailed geologic mapping on scales at least two orders lower than 1:24,000 are generally needed to identify and delineate potential economic targets. Expensive core-drilling, subsurface excavations and economic studies are frequently needed to prove a discovery. Producing mines or economic mineral deposits are rarely just "found" or "discovered".

Regional geophysical studies can be important, but their limitations are frequently not recognized in identifying mineral potential in wilderness study area. For example, Robert L. Wilson, Chief Geologist for Kaiser Steel, was surprised to find that the spacing on government areomagnetic maps of the Eagle Mountains were so widely spaced that the contour of magnetic data failed to show a magnetic anomaly over their Eagle Mountain Iron Mine with reserves exceeding 300 million tons of predominantly magnetite! This mine is 6 miles long and a mile wide, and is reported to be the fourth largest open pit mine in the United States, and the largest iron mine west of the Mississippi River!

New mining operations usually come into being from a necessity to meet or fill a need of society to maintain or advance the standard of living. In other words, an existing or potential market must normally be identified. A prominent exception, above, was the discovery of the Mountain Pass rare-earth bearing carbonatite which contains most of the western world's rare-earth reserves. The discovery suddenly produced a quantum leap in available rare-earth elements which justified the risk of millions of dollars for research. This single discovery has made the United States the predominate world producer of rare-earths, such as europium, which activates crystals of yttrium to produce red color in television picture tubes; and samarium, which when alloyed with cobalt, produces a magnet so powerful that used in the conventional electric motor it increases efficiency by more than 25%. With the coming light-weight plastic battery, samarium may be a significant factor in development of the pollution-free electric automobile!

It can be inferred from the Andrew Curtis Tungsten and Mountain Pass deposits, as well as from hundreds of other deposits, the small-miner/prospector/geologist/explorationist is not obsolete in the exploration process. In view of the lack of federal, state, and academic mineral resource studies and support during the last few decades, many of the recent discoveries would not have been made without the small miner or independent explorationist. However, this should not be too suprising since the history of the west is in large part a history of discoveries by the small miner/prospector. Large resource companies identify the majority of their exploration targets either directly from the small explorationist or from evidence of their previous efforts. Most successful major and many small mining operations were reviewed by literally dozens of companies over a period of years before someone made the commitment in dollars and cents to risk making the "*mineral discovery*" an operating mine.

The exploration capital needed to evaluate even the small mineral deposits as economic commonly exceeds a million dollars, and for larger, single deposits, may exceed tens of millions of dollars. Most small explorationists must bring their prospect to a large mining company and convince them their "*discovery*" merits capital outlay for more exploration and development.

The mining engineers and geologists who have been assigned the task of making mineral "inventories" or "assessment" of vast areas proposed for wilderness in the Transverse Ranges and other regions of public lands, have actually been the victims of a myth we geologists have perpetuated. Mason Hill in his response upon receiving the 1981 American Association of Petroleum Geologists' Sidney Powers Award, correctly identified a major intellectual flaw in the concept of the mineral "inventory":

Actually, geologists are partly to blame because we have been persuaded to tell the decision-makers how much oil is left to be found. They have flattered us by saying, 'Only you geologists can know.' Consequently, many of us have tried, rather than to admit that quantifying estimates of undiscovered oil is impossible.

Perhaps the outstanding example of this effort to please our bosses comes from figures provided by the U.S. Geological Survey in 1975. I claim that all such estimates are meaningless, and only accidentally could they lead to good economic and political decisions. I do not fault their methodology, including expressing the amounts of oil at 5 and 95% confidence levels. What I do fault is the underlying assumption that undiscovered oil can be quantified. We know, and the public needs to know, that each occurrence of oil is unique. Only by drilling reasonable prospects, usually based on optimistic geologic interpretations, can oil be found and barrels counted. Estimating amounts of undiscovered oil in any potentially favorable area before drilling is patently impossible. Adding up estimates of undiscovered oil in all such areas only compounds the fallacy of the basic assumption—that geologists can know about how much oil remains to be discovered.

Although estimates of undiscovered oil 'manufactured' by other agencies, institutions, and even by the oil industry itself now generally agree with the Survey's figures (or vice versa), any quantitative estimates of the unknowable can only serve to mislead the decison-makers. What the industry (and society) really needs is more geologic and geophysical work, more exploratory wells, more financial capacity, and more governmental and public support - not obstructive tactics—to find new oil. If the current pessimism (or optimism for solar energy) persists, we are likely to leave great quantities of a relatively cheap. clean, and efficient source of energy in the ground. This we cannot afford."

If this is true for petroleum, then the complexity of identifying —"inventorying"—unique one-of-a-kind metallic or nonmetallic deposits is infinitely more difficult. Mineral assessment does not only deal with evaluating geologic and mineralogic factors in the field, but to be valid must assess all future raw material demands for manufacturing, military, and agricultural needs. Thus, the task of identifying or inventorying mineral reserves or even potential resources over a large area is so complex, diverse, and dynamic, reason dictates that as much land as possible should be perpetually left open in the United States to mineral exploration. Exploration is *not* incompatible with other multiple uses, including wilderness, because vast regions are needed to search for geologic anomalies that are the potential economic mineral deposits. Once a deposit is identified, only a tiny fraction of the exploration area is needed to extract the resource. At Mountain Pass, most of the western world's rare earths come from an area of less than 50 acres, yet this is the only known deposit of its kind in all of continental North America. Rational exploration would suggest that as much land as possible be left open as many mineral deposits have been found by accident, not by any systematic search; or while looking for some other resource.

For example, the worlds largest borate (borax) deposit near Boron, California, documented by Siefke in the South Coast Geological Society's 1980 Geology and Mineral Wealth of the California Desert, was found accidently by a physician, John Suckow, while drilling for water. This deposit has for the past fifty years made the United States the predominate producer of borates in the world.

Conservation is defined as the wise use of a resource. Preservation is only one aspect of conservation. We should not attempt to make all of the public lands a wilderness park, this concept is gradually endangering the concept of preservation of truely unique areas like Yosemite, the Grand Canyon, Yellowstone, and other true national treasures. These should obviously be preserved, however, the cost of locking up 75% of the western public lands we can ill afford. Because so much of our national wealth is now being locked up in wilderness parks, when society discovers the true impact and cost, all wilderness will tend to lose credence.

Many uninformed conservationists have suggested we "bank" the nation's mineral resources in wilderness areas without any idea of the cost to American society. In 1978, Anders, Gramm and Maurice at the International Institute of Economic Research at the University of California, Los Angeles published the results of their study entitled "*Does Resource Conservation Pay?*" It contains some very sobering answers to the cost of "banking mineral resources" in the public domain, such as wilderness parks.

Conservation was considered a comparative compound interest problem. "*If use of a resource is delayed, the price of the resource may rise during the period of withholding. Alternatively, the resource could be extracted and sold and the net proceeds could be invested. If the rate of appreciation is greater than the rate of return, conservation is rational. . .*" However, "*at any time during the twentieth century, enforced long term conservation* (*withholding*) *of mineral resources would have been a poor economic decision*" for both the generation which made the decision and those which later used the resource. "*Imminent exhaustion of a resource has historically not been a valid justification for enforced conservation, either by stockpiling or by leaving the resource in the ground.*"

The above authors concluded, after studying the historical prices of 14 depletable resources including aluminum, petroleum, and precious metals, that none would be more valuable if produced today than their value produced each year and the profit reinvested at the prevailing rates. ***To stockpile one barrel of crude petroleum in 1900 would have required a 1975 price of $12,900 per barrel to break-even. The average break-even price for the 14 depletable resources stockpiled in 1900 exceeded the 1975 market price by 929,000 percent***!

The unmistakable conclusion, given the tens of millions of acres now withdrawn or being proposed for exclusion from energy and mineral exploration in the consumptive land use known as wilderness, will cost American society not millions or billions, but ***trillions*** of dollars in lost economic opportunity over the next few generations. This economic loss will effect not only our future standard of living and quality of life, but will fall hardest on those at the lower end of the economic spectrum. ***Perhaps the greatest effect will be on the security of United States itself.***

In a 1940 speech at Berkeley, California, Olaf P. Jenkins, then Chief Geologist of the California Division of Mines, recognized a critical concept which was soon to be tested by the impending second World War:

> *No nation on earth possesses all the various minerals needed. In time of peace, to overcome this deficiency, the necessary defisient minerals are imported. In time of war, however, restriction of importation may be so serious to certain industries of a nation as to cripple that nation both from a military standpoint and from a standpoint of internal development.*
>
> ***Present day national defense should not and does not consider military defense alone, but it is studying with great care that possibility (which may turn out to be much the more serious) of economic warfare, should the balance of power become so unbalanced as to leave one power to dominate the earth. This could come about should one power possess all the various minerals needed in all its industries.***
>
> ***It behooves us all, therefore, who are in this work of studying minerals, their origin, development, and their significance to the growth and existence of a nation, to look towards the strategic problems of national defense as in large part the problems of the mineral industry.***

These concepts are just as true today as they were in 1940, and they will certainly be true for the foreseeable future. However, the Soviet Union, with one-sixth of the world's surface area and the largest energy and mineral resource base of any nation, is precariously close to possessing all of the various minerals needed to become independent of other nations.

As the Soviet Union with its nearly three-fold advantage in land to find energy and mineral resources expands into the vast expanse of Asia, it will likely reach total self-sufficiency in strategic energy and mineral resources. Once this has been achieved, it will not need to conquer territory, but will ***only need to politically destabilize sources of raw materials vital to the West to inflict grave economic damage***. Fred Warshofsky updates Jenkins 1940 statement in his 1981 Reader's Digest article *Strategic Minerals: The Invisible War:*

"*While most Americans are worrying about the energy crisis, an even more serious resource crunch could bring the U.S. economy to its knees. Of the 36 non-fuel minerals essential to the United States as an industrial society, we are crucially dependent upon foreign sources for 22 of them. In 1980, we were obliged to import 91% of our chromium, 88% of our platinum-group metals, 93% of our cobalt, and 97% of our tantalum and manganese. By contrast, we were only 42% dependent on imported oil.*

Chromium, for example, is widely used in oil refining, petrochemicals, conventional and nuclear power plants, tanker trucks, gas turbines, industrial machinery and in all stainless steel. In some applications, demanding high strength and high-temperature corrosion resistance, there is no substitute for chromium. Yet our major sources of supply are South Africa and the Soviet Union.

Cobalt, essential to jet engines, nuclear-propulsion systems, high-speed cutting tools, synthetic-fuel production and high-grade steels, comes from Zaire and Zambia; manganese, essential to steelmaking, is imported primarily from South Africa, Brazil and India; tantalum, used mainly in machinery and electronic components, comes from Thailand, Canada, Malaysia and Brazil; and platinum, used for its properties as a chemical catalyst, comes largely from South Africa and the Soviet Union."

Even gold has become a strategic commodity. Each commercial or military jet requires a significant fraction. The chrome steel jet engines are welded together with 85% gold-15% nickel alloy which is highly resistant to vibration and metal fatigue. A thin layer of gold is sandwiched in the aircraft windshield so that low voltage current can be trickled through to de-ice the windshield. An ordinary 747 requires about 150 ounces of gold for its construction. Gold is also in great demand for electronic components of space probes and satellites. A recent U.S. Bureau of Mines monthly commodity summary listed about 445,000 ounces of gold bullion imported into the United States. The Soviet Union supplied 40% and the South Africa 38% of our imports for the month reported!

As documented by Clark, Ely, and Ruff and others in this volume, the Transverse Ranges have significant occurrences of gold and a geologic environment favorable for various kinds of deposits, including large low-grade disseminated occurrences like Homestakes Napa County in northern California or Gold Fields Mesquite deposit at the southeastern end of the Transverse Ranges in Imperial County.

California as a leading energy and mineral producing state has an exceedingly out-dated resource information base on which to make multibillion dollar resource decisons. How can we remedy the vacuum left by the neglect of mineral resources of the last generation?

First we must realize that true conservation means wise use not necessarily preservation. And also that mineral exploration is not necessarily incompatible with wilderness. We must make rational decisions with up to date and factual information. This must be weighed with economic and national security resource needs. We must understand the dynamics of geologic exploration and mineral economics. *A mineral inventory or assessment is only valid when it addresses present and future resource needs of agriculture, manufacturing and national defense. It should be understood that there is a substantial price tag for designating vast wilderness parks.*

A closer working relationship between federal and state government, academic institutions, the mineral industries, and other affected segments of society must be re-established. A first step in this direction would be for government and industry to promote centers of academic excellence in both northern and southern California for mineral technology, mineral economics, and mineral and energy exploration. A generation ago we had several such schools, or departments and these should be revitalized.

In the 1950's, California had a technical and research presence of the U. S. Bureau of Mines within the state. This should be re-established in both northern and southern California, in conjunction with appropriate state resource agencies and the local academic communities. The U.S. Geological Survey should have a stronger field presence in southern California to compliment the Menlo Park office in northern California.

Urban as well as non-urban "loss of energy and mineral resources" should be addressed statewide as the Urban Master Plan, Bulletin 198 of the California Division of Mines and Geology recently (1973) did for aggregate and other resources threatened by urbanization.

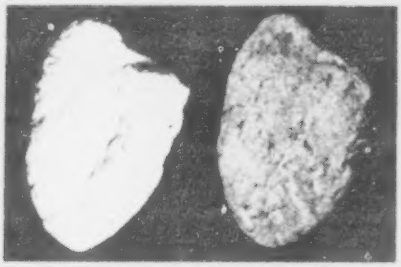
The excellent topographic and orthophotographic mapping program of the U.S. Geological Survey should be continued and expanded to give 1:24,000 scale coverage statewide, especially remote potentially mineralized areas. The degree of basic geologic knowledge is usually related to the adequacy of the topographic map available for geologic mapping.

Studies of mining districts should be updated with new economic and geologic models of ore accumulation. These districts should be designated Known Mineral Resource Areas (KMRA's) much like KGRA's were designated for geothermal resources during the 1970's.

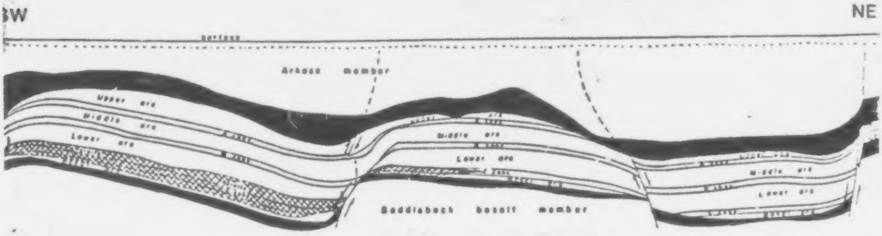
Publications such as Mineral Commodities of California and the Legal Guide for Prospectors and other important publications should be updated and published. It is strongly recommended that the State Division of Mines and Geology or other institutions reactivate the California Journal of Mines and Geology or similar vehicle for timely dissemination of economic geologic information.

This volume has been prepared by volunteer efforts somewhat along the editorial guidelines of the discontinued California Journal of Mines and Geology. It is our intent, to stimulate economic and geologic interest by academic institutions, federal and state resource agencies, miners, exploration managers, mineral commodity specialists, planners and legislators in the Transverse Ranges.

Donald L. Fife and John A. Minch—Editors



GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA DESERT


SW
NE
surface
Arkose member
Upper ore
Middle ore
Lower ore
Middle ore
Lower ore
Saddleback basalt member
Middle ore
Lower ore

SOUTH COAST GEOLOGICAL SOCIETY — 1980

PROLOGUE

Mineral inventory or assessment of large areas must consider not only the geology and mineral economics of the region, but to be meaningful to society, must consider all present and future mineral commodity demands for agriculture, manufacturing and national defense. Until such insight is possible, no final mineral inventory or assessment can be made. Long term economic stability and military survival favors the society with the most diverse, accessible, productive, and secure energy and mineral resource base. Therefore, as much area as possible should remain open perpetually to energy and mineral exploration.

Donald L. Fife and John A. Minch,
Editors 1982

FOREWORD

The California Desert is a vast region that includes all of southeastern California from Owens Valley on the north to Imperial Valley on the south; from Antelope Valley on the west to Death Valley on the east. The boundaries of the Desert, drawn arbitrarily in places, encompass 25 or 30 percent of California—an area equal in size to the State of Ohio or Pennsylvania.

This area was selected by the South Coast Geological Society for its 1980 project to focus on the diverse geology and to document some of the California Desert's tremendous mineral wealth. The South Coast Geological Society is a nonprofit independent organization of more than 100 earth scientists in Southern California. This volume has been produced and published by the volunteer efforts of numerous geologists and others interested in the Desert. The papers in this volume represent many thousands of hours of work from individuals, private corporations, academic institutions and local, state and federal governments.

A study released September 30, 1980 by the Bureau of Land Management listing the "known in-place value" of 25 selected energy and mineral commodities valued them at greater than $600 BILLION in 1978 dollars for a portion of the desert. It is obvious that the total mineral wealth of the California Desert far exceeds one TRILLION 1980 DOLLARS.

The difficulty of the task of "inventorying" mineral potential of such a large and diverse area is not generally appreciated by the layman. The objective of making a "real inventory" is so monumental that no organization has the time nor the financial resources to complete an accurate inventory. An undertaking of this magnitude may not even be feasible over such a vast region as the California Desert. The very words "exploration" and "discovery" allude to the complexities of geology and mineral economics.

In 1920 uranium was a curiosity, not an economically valuable element; in 1940 europium and cerium had few or no commerical uses, nor did zeolites prior to 1960; and in 1870 aggregate producers would not have considered deposits with 20 percent waste. However, deposits of these commodities are now economic in the proper context. Uranium exploration now abounds in the California Desert, and on the Southern California urban fringe, aggregates are profitably mined with up to 50 percent waste!

This volume is intended to bring to the reader a perspective on one of the most diverse and complex geologic regions in the United States. The greatest land use decision in the history of the State of California is being considered with little understanding by the general public of the importance to the economic well-being of the nation.

Donald L. Fife and Arthur R. Brown, *Editors*
October, 1980

EPILOGUE

"Appraising mineral resources is an emerging science. A final, once and for all "inventory" of any mineral resource is *nonsense*. Mineral reserves and resources are dynamic quantities and must constantly be appraised. As known deposits are exhausted, unknown deposits are discovered, new extractive technologies and new uses are developed and new geologic knowledge indicates new areas and new environments are favorable for mineral exploration."

From *Mineral Prospectives 1975*,
U. S. Geological Survey Professional
Paper 940, by Vincent McKelvey, 1976
Director, U.S. Geological Survey (1972-1978)

'Don't Bank Minerals,' Institute Says

The United States faces a long-term resource crisis only if we bank our minerals (leave them in the ground for future generations), according to a paper published in July, 1978 by the International Institute for Economic Research. The paper, *Does Resource Conservation Pay?*, is authored by Gerhard Anders, W. Philip Gramm and S. Charles Maurice.

In an introduction to the report, Hendrik S. Houthakker said, "In the current debate over energy policy, the oposing factions nearly always agree on one point: the purported need for conservation. To be sure, there is less consensus on the desireable extent of conservation, or on the means (voluntary, mandatory or tax-related) by which it is to be achieved."

The authors treat the conservation of natural resources in depth starting with the conservationist's premise that natural resources are being exploited too rapidly and political controls must be applied to save some of the resource for the future. They do not ignore the doomsday warnings that finite resources are nearing exhaustion—that ages-old argument which has been given new respectibility by the computer.

"At any time during the twentieth century, enforced long-term conservation of mineral resources would have been a poor economic decision" for both the generation which made the decision *and* those which later used the resource, the report says. "Imminent exhaustion of a resource has historically *not* been a valid justification for enforced conservation," either by stockpiling or by leaving the resource in the ground.

The authors conclude, after studying the historical prices of 14 depletable resources including aluminum, petroleum, coal and precious metals, that none would be more valuable if produced today than their value produced each year and the profit reinvested at going rates. To stockpile a barrel of crude petroleum in 1900 would require a 1975 price of $12,900 to break even, the report says. The average break-even price for the 14 depletable resources exceeded the 1975 market price by 929,000 percent.

Two basic elements were in error in the Malthusian principles relating resources and population, the report says. (1) Technology is bounded by a fixed resource base; (2) Man is capable of adapting only to an environment with narrowly limited spatial boundaries. All doomsday theories have proven invalid by subsequent history.

We will face a long-term resource crisis only if we eliminate the market incentives for innovation and investment, the authors conclude, or if we reduce the scope of market forces through withdrawal of resource production capability. "The only nonrenewable and nonsubstitutable resource is the set of institutions known as a market order which eliminates crises with respect to physical resource," the paper says.

Original Paper 14, *Does Resource Conservation Pay?*, is available from the International Institute for Economic Research, Westwood Center, Suite 1625, 1100 Glendon Ave., Los Angeles, CA 90024.

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from the GEOLOGY AND MINERAL WEALTH OF THE CALIFORNIA TRANSVERSE RANGES

S-7 WILL PUT
THE EASTERN
PART OF THIS
MINING DISTRICT
INTO WILDERNESS
(BIG HORN MTNS)

Carbonate Resources, Lucerne Valley Limestone District, San Bernardino Mountains, California

SUMMARY

The Lucerne Valley Limestone District is one of the most important limestone producing districts in California and in the United States. Limestone products of almost all types are produced from the carbonate resources found in the metamorphosed and structurally complex Furnace Formation of the central San Bernardino Mountains.

ECONOMIC GEOLOGY*

Regional. White Mountain, the westernmost portion of the Lucerne Valley Limestone District, consists of several carbonate properties containing principally calcite limestone, with some dolomitic limestone and dolomite. All carbonate rocks in this district have traditionally been mapped as the Furnace Formation by most workers. The Furnace Formation has been quarried in Cushenbury Canyon since at least 1947 (Gray, 1982, this volume). Cushenbury Canyon is presently the source of large tonnages of limestone used in Kaiser Cement Corporation's newly-expanded cement plant, located about nine miles east of White Mountain (Rzonca and Clark, 1982). Kaiser Steel obtains large tonnages of metallurgical-grade limestone from their quarries at Marble Canyon. Pfizer also obtains high-brightness calcite limestone from this same source, but in addition owns extensive properties in Furnace Canyon. Pluess-Staufer operates the Sentinel Quarries, four miles east of White Mountain adjoining Pfizer's Furnace Canyon quarries, near the crest of the range. Partin Limestone operates a small quarry at Terrace Springs, 15 miles east of White Mountain, near the Silver Reef-Blackhawk landslide complex on lower Arrastre Creek, below and north of Smart Ranch. Partin produces "Cal White", a sand-size white-pigment limestone commonly used in white stucco and swimming pools. Charles Pfizer—Mineral and Pigments Division and Pluess-Staufer (California), Inc. produce a wide range of limestone products including food-grade limestone, white pigments, filler-extenders and "chicken grits" for the poultry feed market.

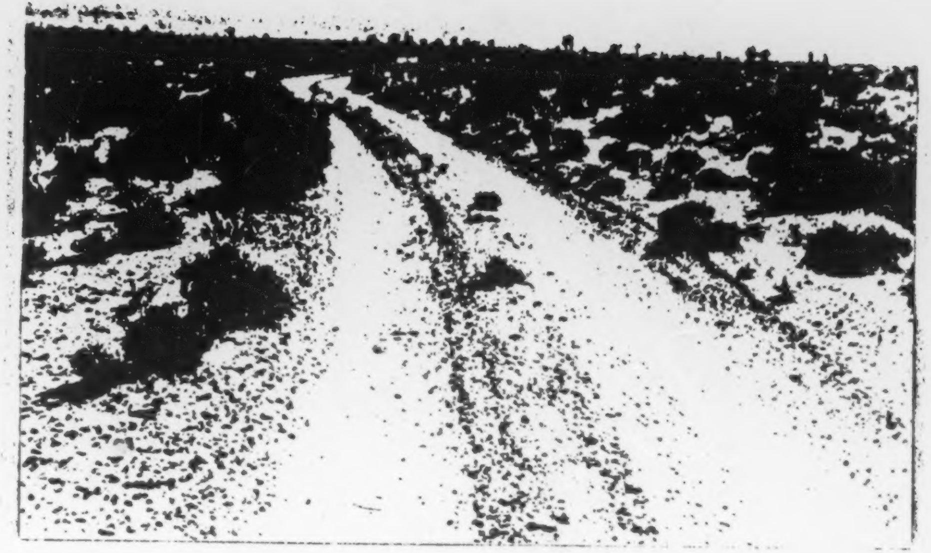
* IN 1986 THIS MINING DIST.
PRODUCED ABOUT $200 MILLION
DOLLARS IN LIMESTONE PRODUCTS
(3.5 MILLION TONS / YEAR.

Finely ground limestone can substitute for 50% or more of the resin feed-stocks in the production of plastic. As resins are derived from crude oil, limestone mineral filler-extenders are conserving a strategic mineral commodity—petroleum. For additional limestone uses see Miller and Morton (1982) and Joseph (1982), both in this volume; Bowen and others (1973) or Boynton (1966) *Chemistry and Technology of Lime and Limestone.*

The Lucerne Valley Limestone District, with limestone quarries along the north flank of the San Bernardino Mountains, is one of the most important limestone producing districts in the nation. Kaiser's new automated cement plant in Cushenbury Canyon is one of the largest cement plants in the United States. Kaiser Steel and Kaiser Cement Corporations are the largest exploiters of the Furnace Formation limestone. Metallurgical limestone used for flux in the blast furnaces has been shipped from here to Fontana since the mid 1950's.

It is estimated that between two and three million tons of limestone are quarried from the Furnace Formation in this district each year for use in cement, steel flux, whiting, filler-extenders, pharmaceuticals and the chemical industry. While the bulk of the tonnage is used in the cement and white pigment-filler-extender markets related to the construction industries, there is a diverse market for food-, pharmaceutical- and chemical-grade limestone. These include the processing or manufacture of explosives, rubber, sugar and white paper. The common antacid "Tums" is reported to contain about 99% limestone (calcium carbonate). Finely ground limestone (micron size) is used as a filler in chewing gum, a preservative in fruit juice and a leavening agent in bread. Other applications are in ice cream, cereal and frozen milk products, and as a dusting agent to prevent hard candy from sticking (Pfizer, 1982).

Some limestone from the Lucerne Valley District is shipped as far away as Hawaii, Mexico and British Colombia. Thus, the market area extends far beyond the Los Angeles or California region. It is estimated that the gross annual sales of the Lucerne Valley District limestone and limestone products are on the order of 80 to 100 million dollars. This makes the Lucerne Valley District one of the most important mining districts in southern California. This has not been generally recognized by local government or even the community of Lucerne Valley. Until recently the San Bernardino County community plan for Lucerne Valley described Lucerne Valley as a "farming and retirement community!"



"ROADLESS AREA"?

THIS ROAD CUTS THROUGH PROPOSED BUREAU OF LAND MANAGEMENT WILDERNESS 222 IN THE CLARK MTN. QUADRANGLE, SAN BERNARDINO COUNTY, CALIFORNIA. IT IS TYPICAL OF MANY THOUSANDS OF MILES OF SIMILAR UNGRADED ROADS IN THE CALIFORNIA DESERT, AND IS REPRESENTATIVE OF HUNDREDS OF ROADS INCLUDED IN THE BLM'S SO CALLED "ROADLESS AREAS" PROPOSED FOR WILDERNESS! ....THE BLM HAS WRITTEN REGULATIONS(LAWS) THAT DECLARE THIS IS NOT A ROAD!! ....WHAT NEXT??? PERHAPS THEY WILL DECLARE BLACK IS RED...OR WHITE????

PHOTO "B"

THE DESERT TRAINING CENTER AND C-AMA

Study No. 15

PHOTO 2

Some of General Patton's more than 38,000+ armored vehicles were on continuous maneuvers in the eastern Mojave Desert for 3.5 years during WW II. On isolated upland surfaces some tracks remain, however, flash floods, blown sand and revegetation on dynamic alluvial fans have destroyed most of the original disturbance. The millions of bomb and shell impact craters were stripped of all scrap metal shortly after WW II. Each impact made a hole in the desert, the wind deposited sand and seeds in these depressions which filled with water during the first cloudburst. Each impact became a "flowerpot". In many places the wind deposited sand around the new clump of sagebrush . . . ultimately replacing theoriginal depression with a small mound of sage and sand!!

Note: Contrary to the beliefs of the ENDANGERED SPECIES ESTABLISHMENT, the Desert Tortoise (Gopherus agassizii), thrives in many of the desert valleys impacted by the massive military maneuvers of the Second World War!

My name is Pete Dangermond
Address: 2630 Land Park Drive
Sacramento, California 95818

Most of my life I have been associated with the California desert, both personally and professionally. I was born and raised in Redlands, California, just over the mountains from the desert, and as a youth visited and recreated in the area many times. In 1961 I started my professional career working for San Bernardino County, first in the Planning Department and later in the Parks Department. After 8 years I moved to Riverside County where I was Parks Director for 9 years. As you probably know, these two counties contain the vast majority of the California desert.

Later I became the Director of the California Department of Parks & Recreation, and held that post from June of 1980 until January of 1983. The department has 7 major units within the desert containing in excess of 500,000 acres of land. In other words, I have had over 20 years of professional park and planning experience with the California desert, and believe that I have worthwhile insights for your consideration.

I am very familiar with a number of the areas that would be benefitted by this legislation and wish to go on record as strongly endorsing it and encouraging its passage. It is very definitely needed and the protections afforded will do much to preserve the area for future generations to love and enjoy.

For the past year and a half, I have been associated with The Friends of The Indian Canyons, and would like to focus my remarks on this one specific area. S.7 calls for the creation of an Indian Canyons National Historic Site, and this project is described on the third to the last page of the bill.

Indian Canyons is a name given to a three canyon area located a few miles south of the City of Palm Springs, containing Palm, Andreas and Murray Canyons. The headwaters of these rugged canyons are located in the San Jacinto Mountains, which tower over 10,000 feet above Palm Springs. Gushing down these canyons are year-round streams which actually flow out into the desert and as would be expected, support a rich variety of plants and animals. The dominant tree in the Canyons is the native California fan palm and although found in numerous isolated oases in California, Nevada and Arizona, they grow nowhere else as well as they do in the Indian Canyons. Palm Canyon is the largest palm oasis in the United States; Andreas Canyon is second, and Murray Canyon, sixth. The feathery palms and streams, with pools and waterfalls, provide a sharp and beautiful contrast to the rugged mountains and rocky outcroppings and the surrounding unspoiled desert.

The palms were an extremely useful plant to the native Cahuilla Indians who inhabited the desert, providing food, clothing and shelter. As would be expected, the Canyons were home to many Native American people, and they have left one of the largest and finest concentrations of Indian archeological sites in the desert.

The Indian people have not disappeared from this area, as they have from nearly all of the remainder of the desert. Over 200 members of the tribe still live in the Palm Springs area. Approximately one half of the Canyons area is contained within the Agua Caliente Reservation, in a checkerboard pattern of ownership, although less than 1/4th is owned by the Tribe as a whole. In fact, if some of you have visited Palm Springs, you probably went up into the canyons, paying an entrance fee to the Tribe for entry into the area.

S.7 proposes to create a National Historic Site on 490 acres at the mouths of these canyons. If you have been to the Canyons before, this is the rather level area from the entry booth up to the Canyons. Passing thru the area are three streams, with related riparian vegetation, and in the center of this valley is a small, rather unusual hillock which is sacred to the Indian people. Again, as might be expected, scattered throughout the area are literally hundreds of archeological sites including village areas, processing sites, cremation and burial sites, ceremonial areas and even evidence of early ~~attempts~~ irrigation systems. The entire area is presently recognized for its historic values by its placement on the National Register of Historic Places. The area is also home to a small bird, the least Bell's vireo, which is on the Federal Endangered Species List.

Senator Cranston's bill is vital and necessary because this beautiful, unspoiled natural area is proposed for a sub-division, hotel, condominiums and golf course development. The project proposes to bulldoze virtually all of the site, with the exception of some steep slopes and stream side portions. The development would destroy the natural and historic values of the site, would reach into and around the native palm oases, would separate and build a wall between the three canyons, would indirectly affect the values of the surrounding lands and would totally destroy the unspoiled natural feeling of the area.

This bill would instead make possible the preservation of the area by allowing the 490 acres to be acquired through exchanges of surplus Federal lands of equal value.

A second wonderful benefit of this bill would be the ultimate status of the lands. Forty years ago, these lands were owned by the entire Tribe, but in the 1950's the Federal Government forced them to be allotted to individual Indians, over the Tribes objections. In 1978 the allottees sold and leased their lands to the developer who is proposing the project. S.7 calls for the lands to be acquired through trading, and then to be turned back to the Tribe to be preserved and managed in conjunction with their adjacent holdings. This will rectify a situation forced upon the Indian people many years ago.

A third significant benefit of S.7 is that it provides a method for all concerned people to be justly compensated. If the proposed development were merely turned down, both the developer and remaining Indian allottees would suffer a great financial loss. It is our understanding that the specific language used in Senator Cranston's bill was formulated in response to input from the Tribal Council in order to meet these concerns.

The idea of creating some form of National Park, Monument or Historic Site in Palm Canyon is not a new one. We have found in researching the matter that the National Park Service has tried on at least four occassions to make the Indian Canyons area into a unit of the National Park System. In fact, four nearby B.L.M. sections are in a withdrawn status, pending classification as a National Monument, and this action took place in 1934. However, in the past, the services always wanted to take the Indians land from them and to own the lands in fee. This idea was always very unacceptable to the Indians. S.7 removes this obstacle.

We are very hopeful that Senator Cranston's Bill will pass, because this is our last chance. If we don't succeed this time, the irreplaceable area will be lost forever.

I have provided copies of a report for each of the members, which contains pictures of the area, along with an in-depth report about land status, ultimate proposed boundaries, other funding mechanisms we are working on, expected visitation, etc.

The Friends of The Indian Canyons strongly encourages your passage of S.7 and particularly the inclusion of the portion which establishes the Indian Canyons National Historic Site.

Thank you

Summary of Testimony for the U.S. Senate Subcommittee on Public Lands, National Parks and Forests

OPPOSING SENATE BILL 7

by Frederic C. Johnson III
Geologist, B.Sc.

Representative of the Orange County Chapter of
The Western Mining Council

Senate Hearings July 21-23, 1987

Senate Bill 7 would place millions of acres of potential mineral resource lands in prohibitive and restrictive Wilderness and National Park lands. This would hurt local, state and federal economies and would be directly adverse to efforts of the United States to maintain competitiveness in the world marketplace.

Senator Cranston's statement in the July 29, 1986 and the April 6, 1987 Congressional Record that "The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for over a hundred years. Most studies show that there is little remaining commercially developable mineralization in the California Desert." is totally false and misleading. Many studies are contrary to this statement and it is proven false.

The U.S. Bureau of Mines in 1986 reports that since 1981, California has been the nation's leader in non-fuel mineral production, and that $1.3 billion of raw mineral materials was produced from the California Desert in 1986. The California State Geologist's office agrees and says that this represents approximately $10.5 billion in processed materials.

The State of California Mining and Geology Board members have formally asked Governor Deukmejian to oppose Senate Bill 7.

Senate Bill 7 calls for designating 7 million more acres than presently recommended by the B.L.M. to Wilderness and National Park lands without any mineral reviews or any further study at all. This is against the Federal Land Policy and Management Law of 1976 and the wishes of Congress.

In 1986, over 74% of the Federally owned mineral lands were highly restrictive or prohibitive of mineral resource development.

S.7 does not provide alternatives for leisure time activities that will be removed from Wilderness and National Parks, and thereby, creates a condition of overcrowding on the remaining lands which will lead to their undue and unnecessary degradation. This is in direct conflict with F.L.P.M.A. Law.

The California Desert Plan was a negotiated agreement and compromise between Senator Cranston, preservation groups, and public land users of all types. The Plan used extensive public comment in keeping with the wishes of Congress and the Law. Senate Bill 7 is not only a breach of contract with the public, but it is against the mandate of federal law to use public comment.

The special and complex environments of the desert demand flexibility within the law. Each mountain range is a different ecosystem and mineralogic province, and therefore, each area needs separate studies and criteria for balance of man and environment. S. 7 is a Stonewall approach to environment and man that reflects the viewpoints of the few not the many.

F.L.P.M.A. is a good law that can be worked with and revised in part if deemed necessary later. People are learning to respect the law and the land. S.7 cannot protect because you can't legislate the respect that does protect. It must be learned.

The B.L.M. should be supported with funds for increased enforcement of the law and education of the public and given firm directions along this line. S.7 should be dropped because of excess spending to implement.

Defeat S.7 because this bill will have tremendous negative impact on local, state, and national economies. Support the Federal Land Policy and Management Law that allows multiple use and uses public comment from knowledgable desert dwellers and all public to affect needed management and protection.

Stop Senate Bill 7 and let F.L.P.M.A. work.

Thank you for this opportunity to express our concerns.

Frederic C. Johnson III
Geologist
Representative of
Orange County Chapter of the
Western Mining Council

ORANGE COUNTY CHAPTER
WESTERN MINING COUNCIL

Testimony in opposition to Senate Bill 7 by

Frederic C. Johnson III
Geologist, B.Sc.

Testimony to the U.S. Senate
Subcommittee on Public Lands, National Parks and Forests
Honorable Dale Bumpers, Chairman

July 23, 1987

Mr. Chairman and Members of the Subcommittee:

The Orange County, California Chapter of the Western Mining Council wishes to thank you for this opportunity to express our grave concerns, opposition, and alternatives to Senate Bill 7. The most important goal of the Western Mining Council is to help acquaint State and Federal governments with the needs of the mining industry.

I am Fred Johnson. I have lived and worked in the California Desert near Death Valley for the last 13 years. I am a geologist with a Bachelor of Science degree from California State University at Northridge. I have worked for a major borate mining company in the desert, worked as an individual consultant on mining and geology, and have written publications on geology in the desert for the South Coast Geological Society "Mineral Wealth of the California Desert" and for the Society of Economic Paleontologists and Mineralogists.

The Western Mining Council of California represents the small scale miner and those people who support him and benefit from his efforts toward mineral resource development in California and the United States. Most of the mines that supply the nation's needs for raw materials were discovered and first developed by the efforts of the individual prospector. Prospectors explore the public lands of the west for mineral resource, and now Senate Bill 7 threatens their right to economic existence in the California Desert. In fact, the general public would lose many of their rights on "Public" federal lands under S.7.

The Orange County Chapter of the Western Mining Council opposes Senate Bill 7 in its entirety for the following reasons and we suggest some alternatives:

MINING

Senate Bill 7 would severely curtail exploration and and mineral resource development in the California Desert by placing millions of acres of potential mineral resource lands in Wilderness and National Parks. Most of this massive public land withdrawal would be done without benefit of complete mineral surveys, and no economic ramification studies have been done by proponents.

In the July 29, 1986 and April 6, 1987 Congressional Record, Senator Cranston stated that "The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for over a hundred years. Most studies show that there is little remaining commercially developable mineralization in the California Desert."

This statement has been proven to be totally false and misleading. Several studies noted in this document prove the Senator's statement wrong. We can only assume that the Senator and his environmental community advisors did not research the economic facts before making the Congressional Record statement or before introducing the S.7 bill.

The U.S. Bureau of Mines in 1986 reports that since 1981, California has been the Nation's leader in non-fuel mineral production, and that 1.3 billion dollars of mineral raw materials (borates, limestone, sodium carbonate, rare earths, diatomite, gold, and last but certainly not least sand and gravel) was produced from the California Desert in 1986. The California State Geologist's office concurs and says that this represents approximately $ 10.5 billion in processed materials.

Recently, the State of California Mining and Geology Board members after reviewing their extensive State funded mineral surveys formally asked Governor Deukmejian to oppose S.7 and companion bills because of their "severe impact on California's ability to produce minerals needed for California industries by removing 10.4 million acres from access to future mineral exploration and development."

Senate Bill 7 calls for designating 7 million more acres than presently recommended by the B.L.M. to the wilderness and National Park lands without any complete mineral reviews or any further study at all. This is a severe "end run" around the Law and the wishes of Congress. Mineral studies were mandated and considered important by the Federal Land Policy and Management Law enacted in 1976 because Congress understood that our nation needed mineral resource development as well as wilderness preservation. The presence of any potential mineral resources in recommended wilderness study areas are to be considered very carefully for possible exclusion from the restrictive Wilderness designation. This important part of the F.L.P.M.A. law was designed to help insure that our nation will keep resource available to maintain a secure economic future at the basic level of its socio-economic structure.

In 1986, over 74 percent of the federally owned mineral lands were highly restrictive or prohibitive of mineral resource development. This figure is developed from studies done in 1976 by the Dept. of Interior's "Task Force on Availability of Federally Owned Mineral Lands" and the addition of subsequent restrictions and withdrawals up to 1986.

In 1976, Volume 1 of the"Final Report of the Task Force on the Availability of Federally Owned Mineral Lands" states in its intensive study of resource and environment that:

Geologic scarcity and depletion make evaluation of hidden mineral deposits difficult; and therefore, access to large areas of the Desert are needed for mineral exploration, although only very small areas are needed for actual mineral resource development (mining). Mining has used less than 0.3 percent of the land in this country in the entire history of resource development for "all mining, including coal, stone, oil, gas, sand and gravel, and metal and non-metallic ores." " The importance of access to Federal land for mineral exploration and development Must be considered within the framework of environmental protection and economic needs. In recent years domestic prices, imports and demand for most mineral commodities have all increased." As we have seen in the last 12 years, there has been a decline in this nation's ability to compete in the world market in all resource. Much of this decline is due to the proliferation of capitol costs for new ventures. This stems from intense and proliferating constraints on development and high wages with many benefits for workers. " We must find ways to make mineral resource development compatible with other land uses." Senate Bill S.7 is a no management approach to the land and its complex nature, and the bill should be defeated or withdrawn because of its insensitivity to the needs of our Nation.

I feel that the 1976 Task Force report on Availability of Federally Owned Mineral Lands brought out many good points that still hold true today, and I wish to quote a few of these for the record:

1."In the long run the price of any mineral commodity can be expected to increase as its availability is reduced, either because of growing geologic scarcity or Political non-availability.."

2."Ways must be found to accommodate mineral exploration at least for certain mineral commodities within the withdrawn area... Such procedures would require a significant departure from existing ' all or nothing' policies for many areas..."

3."Only by vastly improving our information base will more informed land-use decisions be made. Without this information decisionmakers cannot assess the capabilities of the Federal lands for producing various goods and services..."

The history of National Park management, mineral resource development in parks and small scale miners and prospectors is best shown by the Death Valley National Monument's treatment of mining claims. Over the past 10 years the legitimate rights of many small claim holders have been attacked and denied by Park Service actions. There was a massive, expensive, and incorrigible invalidation of many legal claims throughout the Monument from 1979 through 1981. In fact, the U.S. General Accounting Office reprimanded the Park Service for its conduct in this affair. In the last 10 years wrongful invalidations destroyed the small scale miner in Death Valley despite expert and learned witness testimonies to substantial reserves and potential reserves in some of these mines in court. Senate Bill 7 states that all mining claims within newly added park lands will undergo costly validity examinations by the Park Service, and that land (claim) acquisitions may be necessary for the 'Park Mission'. Looking back at the actions of the Park Service over the last 10 years, I cannot help but suspect that the smaller mining operations without the resources to fight expensive legal battles will again become the victims of the 'Park Mission'. Again, Senate Bill 7 strikes out at the public and private rights guaranteed to us in the United States Constitution.

PUBLIC AND ENVIRONMENTAL RIGHTS

After years of work and public comments on land use and protection in the California Desert, the public was not consulted by Senator Cranston or any environmental group prior to the introduction of S.7. The California Desert Plan was a negotiated agreement and compromise between Senator Cranston, preservation groups, and public land users. In keeping with the wishes of Congress and the Federal Land Policy and Management Law the California Desert Plan was developed using extensive public comments. By not allowing the public their right of public review before introduction and by not proposing any public review in land designations, Senate Bill 7 is not only a breach of contract with the public, but it is against the mandate of the federal law. Changes asked for in the bill should use the input and review processes afforded in the California Desert Plan.

The public and man in general need flexible laws to govern complex land management problems. Understanding the special and complex environments of the desert demand flexibility within the law. Each mountain range is a different ecosystem and mineralogic province, and therefore, each range needs separate studies and criteria for balance. Within the F.L.P.M.A. Law there is flexibility to meet the challenges of the future. Senate Bill 7 is an inflexible "stone wall" approach to environment and man that reflects the viewpoints of the few not the many. S.7 will never allow man to balance with nature. The studies on the desert and man are not a one time shot and must continue toward developing a balance. F.L.P.M.A. recognizes this important fact that the study of an intricate balance is on going and needs substantial public support and input. Senate Bill 7 ignores balance in an 'all or nothing approach to land non-management. In this aspect, S.7 is against F.L.P.M.A. Law and the wishes of Congress.

Even the title of Senate Bill 7 (Desert Protection Act) is misleading, the concept that one can legislate protection is wrong. Many of the proponent s own constituents are being led to believe that S.7 is a cure all that will protect the Desert, and yet the bill does not even approach appropriations for enforcement of its massive land use restrictions. Respect for the Desert cannot be legislated, it must be taught. If we truly wish to plan for the future, we must teach our children respect, and in the mean time, we can protect with enforcement, not more legislation. S.7 actually legislates against legislation. F.L.P.M.A. is a good law that can be worked with and revised, in part, if later deemed necessary. People are learning this law and plans which use the law. and they are learning to respect the law and the land. If anything is necessary, it is more monetary support and direction for the B.L.M. to increase their ranger force (enforcement funds). and to develop develop educational programs directed to promote understanding and respect for the California Desert. If Congress must consider continued legislation. then why not set up environmental land use and respect classes in our public schools at an early level. All the money already spent on Senate Bill 7 by proponents, opponents. agencies and Senators and Congressmen would have helped the Desert environment greatly if used to enforce the law and educate the public.

Senator Cranston has stated in press releases that his staff has relied heavily on information from environmentalist preservation groups. especially members of the Wilderness Society and the Sierra Club to draft his bill and " I haven't spent much time in the desert. I am discovering how great the desert is." In this vast desert with hundreds of environments and geologic conditions a few trips by Senators, press, and even preservation groups cannot and should not lead to uninformed land-use decisions which may harm our country and our planet.and its people and wildlife. 'Haste makes waste' so let's be careful and stop Senate Bill 7 to support the present protective law which allows time for study and understanding.

RECREATION

S.7 and its companion legislative proposals do not provide alternatives for leisure time activities of the public that will be lost when large portions of the desert are placed in restrictive National Parks and Wilderness. The S.7

legislation would definitely cause unnecessary and undue degradation of the 4.6 million acres of the desert by overcrowding recreational and other uses. This is directly against the Law of F.L.P.M.A. and the intent of Congress.

Although proponents of Senate Bill 7 have conducted a wide spread and sensationalistic media campaign aimed against Off Road Vehicle owners with numerous pictures of vehicles in open and authorized areas. Senator Cranston's S.7 bill does not address any changes in O.R.V. designated areas. The bill does, however. severely curtail vehicle use on the many back roads in the desert and limit access to many areas. Proponents of the bill are quick to point out that they are leaving many roads open. but never mention how many roads will be closed by the bill. S.7 closes many existing accesses to the lands and steals the public's rights of access to areas that should be enjoyed by all. This is called the pursuit of happiness.

CONCLUSION

I and the Orange County Chapter of the Western Mining Council respectfully ask this Senate Subcommittee to request the withdrawal of Senate Bill 7 . and to reaffirm the wishes of Congress to work with the Federal Land Policy and Management Act of 1976 for the balance of man's needs with environmental protection in the California Desert. The U.S. does not need a law that threatens the economy with its costs. We are thankful that the environmental community has made us all environmentalists. We suggest that this community direct their funds away from legislating against good legislation. and towards the environmental threats to man's existence on this planet such as Air Pollution, Overpopulation. and Aids. Stop S.7 and let F.L.P.M.A. work.

Exhibit

ALAN CRANSTON
CALIFORNIA

United States Senate
WASHINGTON, D.C. 20510

February 4, 1981

Ms. Sophia Anne Merk
82342 Second Street
Trona, California 93562

Dear Ms. Merk,

Thanks very much for your message re the proposed California Desert Plan. As the sponsor of the legislation mandating the Secretary of the Interior to complete the California Desert Plan by 1981, I'm especially pleased to have your comments.

As you may be aware, in December then Secretary Andrus announced the final plan for the 12.1 million acre California Desert Conservation Area. The final plan recommends 45 areas encompassing over 2 million acres be protected as wilderness. In addition, 75 areas identified as having significant natural and cultural values will receive special management as areas of critical environmental concern. The plan also provides that 505,000 acres will be available for unrestricted off road vehicle use.

While I'm sure there are many who are not totally satisfied, I think this is a balanced plan which should meet the needs of all users of the desert while at the same time protecting the region's unique resources.

Of course success of the California Desert Plan will depend upon its implementation. I'll be working to see that the Bureau of Land Management receives sufficient funds for management of the desert under the plan.

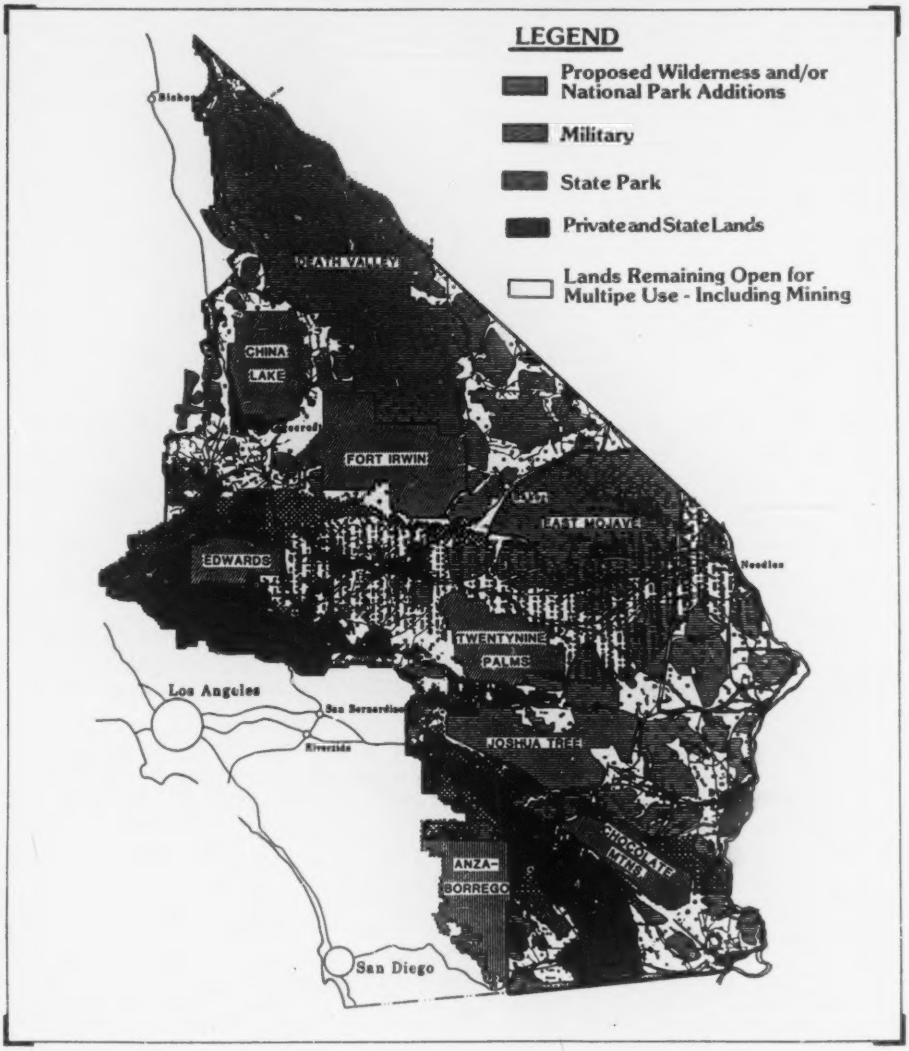
With best wishes,

Sincerely,

Alan Cranston

Alan Cranston

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA BILLS NO. S-7 and H.R.-371


LEGEND
Proposed Wilderness and/or National Park Additions
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CHINA LAKE
Ridgecrest
FORT IRWIN
EAST MOJAVE
Needles
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CHOCOLATE MTNS
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follow it) then pull the trigger and that's the end of the rattler. If you don't carry a .410 with you while in the desert (as most of us don't) he strongly suggests that you never go hiking without a hiking stick. You can use the stick to ward off those agressive Mojave Browns and Greens and if your in an area where you cannot pick up a boulder and crush its backbone, then at least you can use the stick. The walking stick can also be used to jab at rabid coyotes or a pack of dogs, should he unlucky enough to be discovered by them alone and unprotected. Ray states that one time he was attacked by five dogs, luckily he had a .22 pistol with him and before it was over he had to kill three of the dogs before the other two fled. It seems to him that there are more wild dogs in the desert than ever before, and he attributes it to people abandoning them there.

Getting back to rattlers. If you are out in the desert and further than one-hour from treatment and should get bitten, DO NOT PANIC, the more excited you get the faster the venom works its way to your heart. If you are bitten apply a constrictive band immediately above (that is, between the bite and the heart), and move it in advance of the swelling. NOTE, the band should be loose enough to permit a finger between it and the constricted limb. Secondly, use the pinching/sucking method to get as much venom as possible from the puncture. Make a single short — no longer than ¼ inch — linear incision through the skin at each fang puncture. Do not incise a bite on a finger thumb or toe. Be sure you have no mouth sores, and suck and spit away as much of the venom as possible. Suction should continue for at least 45 minutes.

Most bites occur on the feet, ankles or calves, so make it a practice to wear high-top boots while in the desert. If you should be bitten and near a phone, dial 911 and explain what happened. Chances are they will air-evac you to the nearest treatment center where some serum is available.

Some other interesting information about rattlers is that they hunt at night, so be sure to carry a flashlight when walking the desert at night. In the early morning and late evening hours they like the warmth of the sun, but during the hottest part of the day they prefer the cooler areas. They also seem to like to build their dens on high ground in order to keep from being washed away by those desert flash floods.

So, in conclusion, have fun, but be careful and carry a big stick while out in the desert.

Furnace Creek Chess Tourney

The second annual chess tournament, a sanctioned match is set for this weekend, May 9-10 at Furnace Creek Inn in Death Valley.

The rounds on Saturday start at 10 a.m., 3 p.m. and 8 p.m. Sunday's play is at 10 a.m. and 2:30 p.m.

Tournament director is Hal Bogner, The Inn is again sponsoring the event.

For Mother's Day
Sunday Champagne Brunch
Featuring
Baked Ham Baron of Beef
ssorted Salads and Desserts $7.95
hildren Under 10 yrs. of age $4.95
OLDEN HILL

Gateway Gazette

DEATH VALLEY

WHOSE DESERT IS IT — Sen. Alan Cranston, D-Calif., proponent of the so-called Cranston-Sierra Club Desert Protection bill, Senate Bill 7, gazes across the arid of the California desert. Opponents of the plan charge that the environmentalist-supported legislation would turn the new public lands into a private preserve. See story below.

Gazette Photo Courtesy of Inyo Register

Inyo Schools Rank High

A recent report released by the California Department of Education showed that schools in Inyo County, for the most part, have done well in reaching preestablished goals in reading and math as outlined by the State.

Ken Baker, County Superintendent of Schools,reports that 87.5 percent of Inyo third grades, 71.4 percent of the sixth grades and 66.7 percent of the eighth grades met their goals in reading. In the area of math, 50 percent of the third grades, 42.9 perent of the sixth grades and 66.7 percent of the eighth grades met their goals.

Tecopa-Francis Elementary met reading and math goals in grades three and six. Death Valley Elementary met reading and math goals in grade six.

Public Lands Or An Elitist Preserve?

By FRED JOHNSON

Editors' Note: Following is the first in a two-part series on the proposed Desert Protection Act introduced by Sen. Alan Cranston, D-Calif. While its boundaries are restricted to California, the potential impacts are far-reaching into Nevada and other western states. Johnson is a Tecopa-based graduate geologist who has studied the affected desert region for the past 14-years.

Early in the California senatorial election year of 1986, the politically-powerful Sierra Club was successful in its efforts to start a fight with the U.S. Dept. of Interior and many of the public lands visitors and users of the California desert, and many are concerned that this fight will spread throughout the western United States.

Incumbement Senator Alan Cranston was in a tight battle to retain his senate seat and the big money backing from environmental preservation groups across the nation awaited his introduction and commitment to the California Desert Protection Act, which is now Senate Bill 7. This bill and subsequently proposed congressional amendments represent the Sierra Club's decision to use taxpayer money rather than public review sessions to usurp an existing law, the Federal Land Policy and Management Act of 1976, and to fight the Bureau of Land Management's (BLM) Desert Plan.

Sierra Club officials claim that the BLM is not protecting the desert, while the BLM and many desert users say the are, indeed, protecting the desert under the present law. This, obviously, sets the state for a major controversy which has resulted in the introduction of four bills in the House of Representatives and the one Senate bill with no end in sight. This legislative confusion threatens to keep congress in costly deliberations well into the 1990s. But before we look at this controversial piece of proposed legislation, let us look at the last 11 years of California desert legislative and management history.

The California desert, as defined by BLM maps and borders, comprises some 25 million acres of private, public and federal lands, including park service and military reserve lands, which fall under the new name of California Desert Conservation Area (CDCA). Of all this acreage, the BLM currently manages than half, or 12.1 million acres to be exact, for you, as public lands.

In 1976, congress passed the Federal Land Policy and Management Act to give guidelines to BLM for the management of public lands in the western United States. An area specifically affected by this act was the California desert, now the target of the Cranston bill.

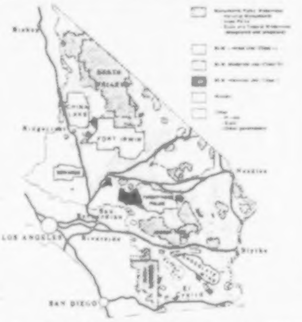
By 1980, four years and $8 million later, with the use of regional studies and public comments from a wide range of people and groups interested in the desert, the BLM adopted its present California Desert Plan as a basic management outline for on-going studies on desert protection, land use, land management and resource conservation within its 12.1 million acre area of responsibility.

Since then, underguidlines of the federal act and management criteria of the Desert Plan, the Interior Department has been conducting a constant stream of studies attempting to evaluate and designate the best uses for our public lands.

The present protective management concept and use of the federal law in the desert conveys a policy of multiple use for the public on public lands except wilderness and some designated "areas of critical environmental concern."

Wilderness and withdrawn lands will become "protected" lands which can be used for backpacking, fishing and hunting only. No roads are allowed within wilderness area boundaries.

CURRENT CALIFORNIA DESERT PLAN



Presently, the BLM is recommending almost two million acres of wilderness in the CDCA and more than 65 percent of the public lands are managed under controlled and limited use classifications. Multiple use areas in the desert come under management guidelines which allow varied land uses in a responsible fashion, protect natural wilderness-type resources, allow continuing public review on all public lands and also all economic growth through responsible resource development and land management.

When all remaining studies on recommended wilderness study areas are complete, somewhere between 1988 and 1990, the BLM will give its final recommendation to congress to decided what finally becomes wilderness land and what remains multiple use land. This entire plan, which we the taxpayers, will have spent hundreds of millions of dollars on, will be final as law when Congress makes these decisions after 1991.

Next week: A look at the Cranston-Sierra Club Desert Protection Act.

SAVE OUR DESERT

Sue from Me to You:
What the Witch Doctor said to do and say, "Ting tang, walla walla bing bang." Have a "Happy Mother's Day."
Love Kevin

Hosts
Roma and Hazel

Gold Pan
Restaurant • Casino • Bar
in Johnnie, Nevada
★ Seafood ★ Chicken
★ Steaks
Ask Anyone . . .
The Food Is
GREAT!
Bar & Casino Open
7 Days • Noon Til ?

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Pahrump, NV 89041

7th Annual Jim Butler
Summit Run
For 1987
Sponsored by: Nevada Beverage and the
Tonopah Chamber of Commerce & Mines

The Summit Run will start and finish at the Mizpah Hotel on Sunday, May 24. Registration fee is $5 if received by May 15. Late registration (when checking in) is $7.50 at the starting line at 7:30 a.m. on May 24. Additional information can be obtained from the Tonopah Chamber by writing them at P.O. Box 869 or phoning (702) 482-3859.

Divisions will be: 10 and under; 11 to 15 years; 16 to 19 years; 20 to 29 years; 30 to 39 years; 40 to 49 years; 50 to 59 years; 60 and above, men and women, each run.

T-shirts will be awarded to all finishers along with awards to first male and female finisher of each run. Awards will also be presented to first three finishers, both male and female, for each division of the run.

Split times: 10 K — one mile and one mile from finish, 2 miles — one mile. Free refreshments to all finishers at awards ceremony.

Summit Run Entry Form
Return to: Tonopah Chamber of Commerce & Mines
P.O. Box 869, Tonopah, NV 89049

Name ____________________
Please print (Last) (First)
☐Male ☐Female Date of Birth__________ Division__________
Distance: 10 K ____________________
FEE: $5 if received by May 15, 1987; $7.50 after May 15, 1987
Make checks payable to: Tonopah Chamber of Commerce and Mines
Shirt Size ☐Small ☐Medium ☐Large ☐X-Large

Release Statement
In consideration of your accepting this entry, I, the undersigned, intending to be legally bound hereby, for myself, my heirs, executors and administrators, waive and release any and all rights and claims for damages I may have against the Tonopah Chamber of Commerce and Mines, Inc. and any other sponsor or individual associated with the "Jim Butler Days Summit Run — 10 k and 2 mile," their representatives, successors and assigns for any and all injuries suffered by me in said event. I will additionally permit the free use of my name and photographs in broadcasts, telecasts, newspapers, brochures, etc. I acknowledge that I am aware of the risks involved and I have sufficiently trained to compete in an event of this type.

Signature in full____________________
Parent or Guardian, if under 18

Jim Butler Days
25K Bicycle Race
Registration Form
Fill out this entry form and return it with your $10 registration fee before May 23. Registration fees the day of the race will be $15. Send registration fees and forms to:

Wilderness: Public Land Or Preserve For Elitists?

Part II of a Series

By FRED JOHNSON

Editors' Note: Following is the second of a two-part series on the proposed Desert Protection Act introduced by Sen. Alan Cranston, D-Calif. While its boundaries are limited to neighboring California, the potential impacts have far ranging consequences for Nevada and other western states. The author is a Tonopah-based geologist who has studied the affected desert region for the past 14 years.

Having covered the background of the current California Desert Plan in a previous article, we now look at the Cranston-Sierra Club's "Desert Protection Act of 1987."

It designates some 8.8 million acres of desert to wilderness status (4.3 million acres in 85 Bureau of Land Management (BLM) managed wilderness areas, and 4.5 million acres in National Park wilderness), adds 1.4 million acres to Death Valley National Monument and changes it to full National Park status, designates a new 1.5 million acre National Park in the East Mojave desert (now protected and managed under the new East Mojave National Scenic Area), and adds 245,000 acres to Joshua Tree National Park with no call for review, study or public comment.

The wilderness and National Park additions would be taken from the 12.1 million acres of public land in the California Desert Conservation Area (CDCA), and leaves 4.6 million acres for public land which must remain available for land swaps for blocking up more parks and wilderness land. For all the tax money we have spent over the last 10 years, this bill leaves the taxpayer with one-sixth of the California desert for use, and leaves no doubt that government withdrawals from the public land will not stop here.

Under the Cranston Bill, all mining claims in new park or wilderness lands must undergo costly validity examinations (some could be expected to result in lengthy court battles) within two years of passage. Camping within new National Park lands will be confined predominately to developed camp grounds only, because nearly all of the new parks lands also will be wilderness.

Passage of the California Desert Protection Act of 1987 will, essentially, put most of the California desert into federally-owned and controlled-restricted use lands consisting of Wilderness, National Parks and military reservations. Most certainly, this type of bill would destroy a large portion of California's $1.2 billion a year industrial minerals industry and all the jobs that go with that portion of the local and national economy.

Proponents of this bill state that access to wilderness areas is no problem because of many bordering roads, that mining can continue in wilderness and park areas, and that the economic effects of the bill are negligible. When asked about losing the multi-million dollar economic mineral resource in the California desert, Sen. Cranston stated in the *Congressional Record* "The major mineral commodities now being produced in the California desert are sand and gravel," and went on to say that "Most studies show that there is little remaining commercially-developable mineralization in the California desert."

In response to those statements, the Interior Department quoted a Bureau of Mines study stating that a $1.2 billion industry existed in the some desert regions, and gave examples of operating rare earth, boron, gold and industrial mineral mines. The Department further pointed out major new finds and potentials for more.

When Sierra Club president Jim Dodson was interviewed by the Wilderness Society and asked why he was concentrating on so much wilderness in the desert, he answered: "In this age you can never have enough wilderness."

In a recent media blitz, Cranston-Sierra Club bill supporters depict themselves as "environmentalists" and claim that masses of desert creatures and the 12.1 million acres of desert itself are being laid waste by off-road vehicles and miners. These preservationist groups give the impression that the BLM is not stopping anyone from destroying the desert. Not so, says the Secretary of the Interior and BLM, along with miners, ranchers and RV enthusiasts, who claim responsible management and their own environmental conscience.

The BLM states that the California Desert Plan has a good flexible and protective framework that the desert visitor and user respects. Further, they state that violations of the regulations are few compared with the immense size of the area. The BLM desperately needs funding for more rangers for enforcement and for more public education programs. After all, in an area of this size — approximately the same as the state of Kentucky — only public respect for land values can protect the desert.

During an Apr. 30 press conference in Universal City, Calif., Interior Secretary Donald Hodel blasted the Cranston Bill (S-7) with statements that the proponents of the bill are misleading the public with inaccurate concepts of wilderness.

"Wilderness areas are not open for any kind of use other than human muscle power. Wilderness is very restrictive," he said. "Those who represent that the land will continue to be available for multiple use are spreading falsehoods."

He stated further that Cranston and the bill's supporters are attempting to mislead the public, and that "it is wrong that people in public positions should do that kind of thing."

"I submit that the person (Cranston intended) whose view is that all of that kind of activity (land use) belongs to the government is the same kind of person, who in some authoritarian way, would very happily decide what are appropriate and inappropriate activities for Americans to carry out as well," Hodel continued. "That's not what this country is all about, and certainly not what the west is all about."

The National Park Service (NPS) at Death Valley Monument supports the portion of the bill that upgrades Death Valley to a national park, but they feel the BLM is doing a good job of managing the lands outside and bordering the monument. Supt. Ed Rothfuss stated that park expansion under the Cranston bill could mean up to 25 additional rangers at a cost of about $900,000 a year to taxpayers.

Although Sen. Cranston narrowly won re-election to the Senate by 110,000 votes out of seven million, he lost heavily in every desert county. This, without question, reflects the views of desert dwellers, ranchers and miners. In fact, more than a dozen counties, local chambers of commerce, the State Chamber of Commerce and the Southern Regional Association of Counties have publicly opposed Senate Bill 7.

New coalitions to fight the bill are springing up all over California and Nevada, whose land will be next in line if this trend is established. Their battle cry is "No Compromise," quite the contrary to the Cranston-Sierra Club camp.

Supporters of the proposed legislation are trying to strike deals with anyone who is willing to talk about individual concerns inside wilderness boundaries on their set Cranston bill maps. So far, no takers. In fact, even government officials, such as the U.S. Geological Survey Mineral Resources Division, are miffed because they can't get copies copies of proposed individual area maps of the Cranston-Sierra Club proposal through any public source. They are, however, on sale from the Sierra Club for $125 a set.

The current Federal Land Policy and Management Act of 1976 is a mature and tested law with plans that call for upgrading by evaluation of public input comments. This keeps the public rights in "public" land. If we really care about our public land, we have to work at keeping it a good place for humans and the environment.

What can you do about it? Write your congressman, the Secretary of the Interior, the BLM; go to public meetings and express your ideas, likes and dislikes. Let's stop piling on tax-spending, irresponsible government legislation.

No single group can or should try to manipulate land policy. The freedom of our desert belongs to all of us.

DV Weather

The storm front that traveled through Nevada Tuesday (May 12) swept into Death Valley cutting the power lines there. The area was with electricity for almost eight hours.

The high for the week was 107 with a low of 80. Matching the season high of April 27, the low for the week was 100.

DEATH VALLEY
HEALTH CENTER
TOM L. MILLER, P.A.C. Shoshone, California
Phone (619) 852-4383 or 4304
8:30 am to 4:30 pm
Monday thru Friday
(702) 727-6247 After Hours in Pahrump, NV

Published July 1987

6/23/87

Fred Johnson
P.O. Box 246
Tecopa, CA 92389

Editor
Inyo Register
Chalfant Press
P.O.Box 787
Bishop CA 93514

Dear Editor and Death Valley Superintendent Ed Rothfuss:

I am a geologist in the Death Valley area, and I have worked in this part of the desert for the last 14 years. During most of this time I have worked at one of the few operating mines in Death Valley National Monument, which is presently shut down.

I am writing this letter in response to the subtle but very misleading letter from Death Valley Superintendent Rothfuss that appeared in the June 12, 1987 Register. I would like to bring to light the types of problems that will result if a bill like the Cranston Desert Protection Act is allowed to replace the existing legislation of the Desert Plan and the Federal Land Policy and Management Act Law of 1976.

Superintendent Rothfuss' letter leaves no doubt that he is in favor of the Cranston Bill, which will change Death Valley National Monument to a National Park. I agree with his statement that there would be few regulation changes due to this status change. The problem lies in the way that these regulations have been applied in the past, and in the additional restrictions that will be imposed by the Cranston Bill.

In his letter, Superintendent Rothfuss gave examples of operating mines in Death Valley. He said that the Park Service has recognized the legal rights of the holders of valid claims, and that history shows mining can be done in a National Park or Monument. I would like to recall some experiences with the National Park Service that show Mr. Rothfuss' statements to be misleading.

Mr. Rothfuss states that "in the past 10 years 65 of the 66 plans submitted by mining companies have been approved", which seems to imply that most claim holders have been allowed to keep their claims and continue with their plans. The truth is that most of the approved plans were submitted by the FEW large mining companies operating in the Monument. Over the past 10 years, legitimate rights of many smaller claim holders have been attacked and denied by Park Service actions.There was a massive, expensive, and unscrupulous invalidation of many legal claims throughout the Monument from 1979 to 1981. In fact, the U.S. General Accounting Office reprimanded the Park Service for its conduct in this affair. In the last 10 years wrongful invalidations were carried out on theJubilee, Oro Alta, Golden Treasure (Ashford), Kyanite Queen, Lazulite Queen, Roy Hunter's claims in Lemoigne Canyon, and others, despite the fact that expert witnesses, such as geologist Bennie Troxel, testified to the substantial reserves and potential reserves of some of these mines in court.

In the light of Mr. Rothfuss' assurances, it is also interesting to consider the current state of mining in Death Valley. There are NO active mines at present. The only remaining mines are the [illegible] by large companies with a lot of money to fight legal battles, and with too many claims for the Park Service to buy out. Current claim holders in the valley are U.S. Borax Company, American Borate Company, Pfizer Talc, and the Bullfrog Mine.

The Cranston Desert Protection Act proposes to add approximately 2 million acres to Death Valley National Monument, which will then become a National Park. The majority of the land added to the park will be classified as wilderness, which severely limits access for use. The Cranston Bill specifically states that all mining claims inside the Park will be required to undergo costly validity exams performed by the Park Service, and that land (claim) aquisitions may be neccessary for the Park mission. Looking back at the actions of the Park Service over the last 10 years, I cannot help but suspect that the smaller mining operations without the resources to fight expensive legal battles will again become victims of the "Park Mission". Despite Superintendent Rothfuss's assurances, can we believe that the National Park Service has had a change of heart?

The debates over the Cranston Bill will take years, and cost many tax dollars for legislator's time. All of this money is being spent to "protect" an environment that is already adequately protected by existing law. We cannot legislate respect for the desert lands by instituting more restrictive laws. A law is only as good as public support and enforcement make it. We should be spending our money to enforce laws we already have, and to improve environmental education programs to teach respect for the land. Should we say that because a few people abuse the land, we should limit legitimate use by all? Isn't it better to regulate the abuses, and to allow reasonable multiple use ?

I love our National Park and Wilderness system in the United States. It was a much needed protection of many special areas. There are now over 80 million acres of national Parks, nearly 100 million acres of wilderness, many million acres of proposed wilderness, and 54 million acres of National Wildlife Refuge. Now is the time to stop the removal of land from public use. In most areas we have enough non-use land. Let's use responsible land management for multiple use and continued protection. In this day and age we must remain competative in the world resource market, or suffer grave economic consequences. We just cannot afford to lock up 2 million more acres of land in Death Valley in National Park and Wilderness.

Superintendent Rothfuss, let's find another bill to change Death Valley from a monument to a park. Please let us keep public lands open to multiple use by the public.

Sincerely,
Fred Johnson
Geologist
Tecopa, CA

cc: Ed Rothfuss

CALIFORNIA DESERT CONSERVATION AREA

Sec. 601. (a) The Congress finds that —

(1) the California desert contains historical, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;

(2) the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the California desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archaeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California;

(4) the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the public lands in the California desert; and,

(6) to insure further study of the relationship of man and the California desert environment, preserve the unique and irreplaceable resources, including archaeological values, and conserve the use of the economic resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to facilitate effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality.

United States Department of the Interior

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under United States administration.

Santa Fe Southern Pacific Corporation

Statement of

Santa Fe Southern Pacific Corporation

on

S.7, the proposed California Desert Protection Act

before the

Committee on
Energy and Natural Resources

of the

United States Senate

July 23, 1987

Santa Fe Southern Pacific Corporation (SFSP), headquartered in Chicago, Illinois, is the parent company of Southern Pacific Land Company (SP Land), headquartered in San Francisco, California, which owns the lands remaining from the original federal land grants to the Central Pacific and the Southern Pacific railroad companies. SFSP is vitally interested in S.7, inasmuch as it would encompass in proposed new wilderness and park areas some 515,000 acres of fee lands and 40,000 acres of severed minerals owned by SP Land, as shown on the attached tabulation.

Although S.7 evidences no intent to extinguish these rights or otherwise acquire these properties, the practical effect of the proposed designations is to make it virtually impossible to exercise our existing development rights in those lands and minerals. There are two reasons for this: (1) the economic cost of additional stringent regulatory requirements with respect to access to and development of those properties that would not otherwise be applicable and (2) the certain adverse public reaction to any proposed development efforts in such areas even though our legal rights to do so have not been expressly abridged. Consequently, inclusion of our lands in the proposed new wilderness and park areas would, in our opinion, constitute a de facto taking for which provision must be made for appropriate compensation.

SFSP strongly believes that land exchanges should be the preferred method of compensation for the acquisition of private inholdings in proposed wilderness or park areas rather than outright purchase or condemnation. Exchanges will enable appropriate private lands to be acquired and preserved in non-development status while making other non-essential federal lands of equal value available for potential development. Although section 605 of S.7 directs the Secretary to carry out land exchanges with the State of California, it has no similar directive with respect to SP Land's properties. We see no basis for not providing similar treatment for our holdings.

The experience of our subsidiaries demonstrates the advantages of such exchanges. Santa Fe Pacific Minerals Corporation (Santa Fe Pacific), an SFSP affiliate headquartered in Albuquerque, New Mexico, and its predecessor companies have been active since the mid-1970's in seeking to maintain, evaluate and develop the land and mineral base remaining from the original federal land grant to the predecessor company of the Atchison, Topeka & Santa Fe Railway ("Santa Fe lands"). This has been made difficult because of an increasing number of legislative proposals to designate as wilderness or national parks large areas of federally owned multiple use lands administered by the BLM which are either intermingled with or overlie our mineral interests. Such proposals have presented potential management problems for the United States as well as very serious practical problems with respect to developing those minerals. Our response to these problems has been to work in cooperation with the BLM, the National Park Service, and interested conservation organizations to develop land exchanges by which we relinquish our mineral interests in the proposed park or wilderness areas in exchange for federal lands or minerals of comparable value elsewhere. This effort continues a long tradition of cooperation with the Federal Government in exchanging Santa Fe lands in order to accomplish national objectives. That cooperative tradition dates from the turn of the century and has involved the transfer of millions of acres of Santa Fe lands to the United States within the Coconino National Forest, Grand Canyon and Petrified Forest National Parks, and other areas in Arizona. More recently we have worked out similar exchanges in connection with the Chaco Culture National Historical Park Act (P.L. 96-550) and proposed legislation creating certain wilderness areas in the El Malpais region in New Mexico which was recently reported by this Committee (H.R. 403, S. Rept. No. 100-100).

SP Land likewise has a similar tradition of cooperation with the United States. Since 1979 it has completed numerous exchanges of lands in California, some in the California Desert, including 72,000 acres in furtherance of the federal wilderness, recreation and wildlife programs. There are presently pending four exchanges involving 25,000 acres mandated under the California Wilderness Act, which have bogged down temporarily because of differences between SP Land and the Forest Service, on the one hand, and the BLM relating to the need and cost responsibility for mineral surveys of the SP Land properties to be transferred to the United States.

Despite the foregoing history of successful land exchange efforts, the magnitude of recent proposals and strictures of current law threaten to block continued successful utilization of land exchanges by the BLM. For example, a statewide Arizona wilderness bill will probably be introduced in this Congress which, depending on its scope, could affect as much as 200,000 acres of our reserved minerals in Arizona. Although Santa Fe Pacific is still negotiating with the BLM on this and related land issues in Arizona, BLM has indicated that it does not have enough land in Arizona classified for disposal to accomplish an exchange of that magnitude. Because section 206 of the Federal Land Policy and Management Act ("FLPMA", 43 U.S.C. §1716), which contains BLM's basic exchange authority, prohibits interstate exchanges, BLM land available for exchange in other adjacent western states is off limits.

S.7 presents an even more serious management problem for the United States inasmuch as 515,000 acres of SP Land's property that would be affected are full fee lands. However, even though the Secretary of the Interior has general authority to exchange public lands for private lands included in the proposed new wilderness and park areas, the BLM doubts that it has enough land under its jurisdiction in California classified for disposal to exchange for such lands. SP Land would be willing to accept some federal lands in Nevada as part of an equal value exchange for its California lands, but the FLPMA prohibition again prevents that interstate exchange.

There are several possible solutions to the described problems. First would be to facilitate equal value determinations by the Secretary along the lines provided in the exchange authority contained in the El Malpais legislation recently reported by this Committee. Second would be to amend section 206 of FLPMA to permit interstate exchanges. In our view, the present restriction serves no discernible national interest. In 1970 the Public Land Law Review Commission recommended that "generally, within each department, all federally owned lands otherwise available for disposal should be subject to exchange, regardless of agency jurisdiction and geographic limitation." (Recommendation 126). That PLLRC recommendation is one of the few that has not yet been enacted by Congress. To the extent that there may be any persuasive reasons why repeal or modification of FLPMA's restriction on interstate exchanges would not be appropriate, interstate exchanges could at least be authorized for private lands included within the new wilderness and park areas provided for in S.7 upon appropriate conditions tailored to meet whatever objectives underlie the FLPMA restriction.

As a third complementary solution, Congress should direct that surplus federal urban lands in California or elsewhere under the jurisdiction of the General Services Administration ("GSA") be made available for exchange. Although the Federal Property and Administrative Services Act (40 U.S.C. §471 et seq.) appears to authorize the GSA to utilize exchanges, it is our understanding that they are seldom utilized, and certainly not in connection with public land programs like those involved in S.7. We see no reason why surplus lands held by GSA should not be available for exchange to implement programs in the national interest administered by federal public land agencies. SP Land already has extensive experience in developing its urban land holdings in California. On the basis of an equal value exchange, substantially fewer acres of surplus federal urban lands would be exchanged for their lands in the California Desert. An authorization limited to exchanges made necessary by S.7 would suffice, and we understand that there is recent precedent for such a limited approach. We are prepared to work with the Committee on these recommended approaches to facilitating exchanges.

On the merits of the proposed land designations in S.7, we endorse the multiple use goals for the management of the California Desert set out by Congress in 1976 in section 601 of FLPMA and now embodied in BLM's California Desert Plan. Based on our experience with the California BLM, we believe that it can continue to do a responsible job of managing the lands encompassed in its California Desert study in the national interest as authorized in FLPMA, particularly if BLM's enforcement and interpretive activities were more adequately funded. Consequently, the proponents of national park status for many of those lands should be required to present a compelling case in support of their proposal to change administrative jurisdiction over them. Similarly, while we also endorse wilderness as an important national priority, wilderness proposals must be carefully balanced against other important national needs, such as mineral production. "How much wilderness is enough?" is, in our view, a legitimate question for Congress to address. Subject to our review of pending mineral surveys required by law, we may have no serious objection to the scope of the BLM's wilderness proposals, which would affect only about 85,000 acres of our lands. However, S.7 would include an additional 470,000 acres of our lands and severed minerals in its proposed wilderness and park areas, and we believe that Congress should await the development of additional information on the mineral potential of those additional areas before taking action on them.

Finally, we are seriously concerned about the tendency in recent years for Congress to "short cut" the BLM wilderness review program established in 1976 in section 603 of FLPMA by acting on wilderness legislation before the BLM recommendations have received Secretarial and Presidential review and the President's recommendations have been forwarded to Congress. Since all of the federal lands included in the BLM wilderness study areas are protected from impairment pending final Congressional action on them, we see nothing to be gained by precipitous action which aborts the executive branch study and review process before it has run the course charted in FLPMA.

SOUTHERN PACIFIC LAND COMPANY
LANDS IN WSA'S PROPOSED FOR WILDERNESS
OR NEW NATIONAL PARKS IN S.7

WSA NAME	WSA #	ACREAGE
Black Mountains	CDCA-186C	9,600
*Newberry Mountains	CDCA-206	7,040
*Rodman Mountains	CDCA-207	10,880
Bighorn Mountains	CDCA-217	2,560
*Morongo	CDCA-218	10,240
Soda Mountains	CDCA-242	5,440
Kelso Dunes	CDCA-250	48,960
Cadiz Mountains	CDCA-251	36,640
Sleeping Beauty Mountains	CDCA-252	10,240
*Granite Mountains (EMSA)**	CDCA-256	7,360 fee/7,600 minerals
Bristol/Granite Mountains	CDCA-256	17,280 fee/5,760 minerals
Lava Hills	CDCA-258	10,880
South Bristol Mountains	CDCA-258A	10,880
Marble Mountains	CDCA-259	14,560
Clipper Mountains	CDCA-260	20,480
*South Providence Mountains**	CDCA-262	5,520
*Providence Mountains**	CDCA-263	3,360
*Ft. Piute**	CDCA-267	640
Wood Mountains**	CDCA-271	13,760
Signal Hills**	CDCA-272	8,800
Dead Mountains	CDCA-276	12,480
Piute Mountains	CDCA-288	6,720
Essex	CDCA-288A	7,040
Bigelow Cholla Garden	CDCA-290	3,840
Sacramento Mountains	CDCA-292	16,640
Stepladder Mountains	CDCA-294	18,880
Pilot Peak	CDCA-295	8,960
Old Woman Mountains	CDCA-299	17,840
Ship Mountains	CDCA-300	10,240
Cleghorn Lakes	CDCA-304	5,600
Amboy Crater	CDCA-304A	4,480
Sheep Hole Valley	CDCA-305	29,120
*Chemehuevi Mountains	CDCA-310	21,120
*Santa Rosa Mountains	CDCA-341	7,040 minerals
*Mecca Hills	CDCA-343	4,480
*Orocopia Mountains	CDCA-344	1,280 fee/19,520 minerals
*Chuckwalla Mountains	CDCA-348	4,160
*North Algodones Dunes	CDCA-360	1,920
Cadiz Dunes	No Number (S.7 only)	7,680

PROPOSED NATIONAL PARKS

Joshua Tree	14,080
East Mojave	56,320

S.7 Fee acreage	515,040
S.7 Mineral acreage	39,920
TOTAL	554,960

* BLM preliminary recommendations (85,040 acres)
** Within proposed East Mojave National Park

THE VOICE OF ORGANIZED SPORTSMEN

Southern Council of Conservation Clubs, Inc.

"IN UNITY THERE IS STRENGTH"

815 Rim Road
Pasadena, Ca. 91107

July 20, 1987

The Honorable Dale Bumpers
U.S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

This letter is to express the stand of three active Conservation organizations in California on Senate Bill S-7, the California Desert legislation introduced by Senator Cranston.

We oppose S-7. This is not a Conservationist's bill, as Senator Cranston has described it; it is a Preservationist's bill. And this attempt to "preserve" the desert will actually be anti-conservation and anti-recreation in its effects on the desert and it's users.

The California Wildlife Federation, the Society for the Conservation of Bighorn Sheep, and the Southern Council of Conservation Clubs are composed of sportsmen's clubs and of concerned individuals who value the multiple-use recreational opportunities which the desert offers, and who want the desert to be conserved and managed so that it will offer these same opportunities to succeeding generations of citizens.

These organizations and volunteers from their ranks have contributed millions of dollars and millions of man-hours of volunteer labor to help construct over fifty major "water for wildlife" installations in the california desert. These were cooperative projects with the California Department of Fish and Game and the Bureau of Land Management. By placing these water supplies in selected areas, the total quality of the habitat has been improved and the wildlife carrying capacity has been greatly increased.

A spectacular example of the results of these Conservatiion efforts can be seen in the Old Dad Mtn. range, just south of the town of Baker. After one. and then four more, watering facilities were constructed a few miles apart in this range, the Bighorn Sheep population rose from about 25 to about 300 animals, over a period of about six years. And during this period the Department of Fish and Game took three transplant groups of fifteen to twenty animals each from the range to start new populations in presently "vacant" habitat in historic Bighorn Sheep range. Note,too, that local populations of other wildlife (quail, doves, chukkar, rabbits, bobcat, raptors, etc.) also benefitted from the increased water supply.

2

This is what we call constructive Conservation work, and we are proud to have played a big part in this past and ongoing program. There is no indication that Senator Cranston and his Protectionist friends have any intention of adopting or continuing these Conservation efforts; we do not see them working out in the desert now, and we do not anticipate seeing them out there in the future.

Senator Cranston's bill, S-7, would create over 8.8 million acres of new Wilderness and 5.7 million acres of National Park in the California Desert. Statutory restrictions on activities allowed within Wilderness and current management policy for Parks would not allow placement of any new "water for wildlife" facilities in the new Wilderness and Parks, or would make it impossibly difficult. These constraints would also make more difficult or impossible access to and repair work on existing installations. In fact, current law and policy would require that many of our existing installations be destroyed and removed.

We would not like to see our past work and the existing installations destroyed directly, or by attrition. We would not like to be denied the opportunity to make new water installations, and thus to further improve the quality of the wildlife habitat in the desert, or to engage in other Conservation projects in our desert.

Our members presently engage in a wide variety of recreational activities in the desert. These activities are managed by the Bureau of Land Management, under the California Desert Plan, which was developed at the request of Congress during the late 1970's. The Plan allows multiple-use activities, in the areas that are appropriate, and to the extent that each activity is compatible with other activities by other people and with the capacity of the land, vegetation, etc. to withstand the use; i.e., the conservation of the basic resource. We think that this is a good system; it allows a large number of people to engage in a wide variety of activities, and it conserves the basic resource so that future generations will have the same opportunities.

We are confident that the Bureau of Land Management can manage the recreational and other uses of the California Desert and conserve our desert resources for the future under the current California Desert Plan, and as the Plan evolves as a result of continuing reviews.

Large-scale transferral of land from Multiple-Use status to Wilderness and National Park status would disrupt and displace many existing recreational activities. The concentration of these recreational activities in the remaining Multiple-Use area will decrease the quality of the outdoor recreational experience available to all.

Other concerns associated with a sudden large increase in Wilderness and National Park area in the California Desert are:

1. The need to carry water will limit the distance that a hiker can safely venture from his trailhead water supply. In order to distribute hiking use in desert Wilderness, there must be vehicular entry to many well-distributed trailheads around or within the Wilderness area. This will require specific congressional approval.

2. National Parks prohibit hunting anywhere within their boundaries. A large Park will usually have remote areas where hunting would be a reasonable activity, but will not be allowed. This represents an unnecessary reduction in the recreational potential of the desert.

3. National Parks have a history of trying to coerce adjacent land owners to configure their land use as a buffer zone for the Park. Thus, Park restrictions may extend well beyond the real boundaries of the Park, and there will be additional loss of multiple-use recreational activity for the public.

4. Access to and use of surrounded and adjacent private lands will be severely impacted, adversely affecting these landowners, and creating administrative and legal problems for the managers of the Wilderness and Parks.

The Bureau of Land Management is currently (as was directed by the Congress) reviewing it's California Desert lands to determine if any new Wilderness should be created. Recommendations for new Wilderness are scheduled to be submitted to the Congress in 1988. Current indications are that the BLM-recommended Wilderness will encompass considerably less acreage than does the Cranston proposal.

We earnestly ask that you take no action on the Cranston Desert Bill (S-7) at this time, and that you wait until the BLM study is completed and the BLM recommendations are presented (according to the schedule mandated by the Congress) before you consider any bill establishing new Wilderness or National Parks in the California Desert.

In the mean time, we will be working with the Bureau of Land Management to assure that any Wilderness recommendation which they make has specific provisions to allow for the retention and maintenance of existing water developments, and for the other conservation and habitat-enhancement projects which may be appropriate in the future.

Sincerely, Walter B Powell

Walter B. Powell

For the: Southern Council of Conservation Clubs
Society for the Conservation of Bighorn Sheep
California Wildlife Federation

WESTERN MINING COUNCIL

LOS PADRES NATIONAL FOREST CHAPTER
11053 OAK CREEK DRIVE, LAKESIDE, CA
92040 (619) 443 0434

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Senate Energy and Natural Resources Committee
U.S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

RE: S-7, 'The California Desert Protection Act of 1987'

Dear Senator Bumpers,

I request that this letter of opposition to S-7 be included in the hearing record. The Los Padres National Forest Chapter, WMC recognizes the importance of a viable minerals industry. It is our opinion that S-7 would impair the orderly exploration and development of mineral resources.

The California desert currently produces over one half of the total non-fuel mineral production for California. It is a highly mineralized area, containing a wide variety of minerals not found elsewhere in the United States. Examples of this are borates (100% of U.S. production of borate minerals is from the California desert) and rare earths (97% of the U.S. production of rare earths is from the California desert). Currently several mining companies are actively conducting exploration programs in the California desert, strong evidence that the potential for further mineral discoveries exists.

S-7 is an attempt by one segment of society trying to force its view on the rest of us. From 1977-1980 the public had the opportunity to participate in the land use planning for the CDCA. Over 8 million dollars was spent preparing the CDCA plan. Over 40,000 separate comments from the public were received and considered. The current CDCA plan is a compromise of all the various public imput during the four years of effort that went into development of the plan. This bill is but one groups attempt to toss out that public involvement process and compromise and replace it with their own views.

We urge that S-7 be voted out and that the current desert plan be allowed to continue and follow out its prescribed course of review and evaluation, included opportunity for public involvement.

Sincerely,

Eloris R. Chisholm
President, Los Padres National Forest Ch.
Western Mining Council, Inc.

P.S. I would further point out to you that the recent comments made by the environmentalists that the Mining Law of 1872 is "Ancient" should be viewed with awe when they recommend "remodeling". What is next? The Consitution of the United States is even older!!! They both work just fine, its the implementation and interpretation for both that is is ever in contention.

THE NEW 49'ers, INC.

Recreational and Professional Gold Mining Club
P.O. Box 47, Happy Camp, CA 96039 (916) 493-2012

To Whom It May Concern:

I, also, am writing to inform you of our opposition to S.7. I am President and General Manager of THE NEW 49'ers, Inc., a professional and recreational gold mining club with over 600 active members.

We actively mine for gold in Northern and Southern California, Oregon, Arizona, Idaho and Colorado. Many of our members actively mine in Southern California and would be shut down due to the various wilderness bills now being considered--if they were passed.

We, as a mining club, are interested in preserving the lands. Our impact, as a whole, on the environment is minimal. There are many known mineral deposits available for prospecting and development within the areas proposed for wilderness. We, as individual miners, oppose locking out future prospecting in areas already known to contain valuable mineral deposits.

Certainly, sooner or later, this great country will realize this trend of closing out valuable mineralized zones to future development is harmful to our future as a strong nation.

Every man-made object we use, and most every facet of our complicated economy, depends on natural resources mined from ours--or someone else's--public lands. Why are we in such a hurry to curtail this? It is not good planning to put ourselves in a dependence on other nations for our strategic minerals and other resources.

Certainly, we are educated enough to work out ways to develop natural resources with minimum impact on the environment. Closing huge volumes of land to all future prospecting and development is going to be a blow to this country.

The Federal Land Management Act of the 70's appears to be doing an excellent job of allowing multiple use and minimum harmful impact. We support this type of approach towards protecting our public lands.

We strongly urge you to support us in our opposition to S.7. Please vote against it.

Thank you for your assistance.

Sincerely,

Dave Mac

Dave McCracken
President and General Manager
THE NEW 49'ers, Inc.

DM/ms

WESTERN MINING COUNCIL
THE NEW 49'er CHAPTER, P.O. Box 47, Happy Camp, CA 96039

To Whom It May Concern:

Dear Sir:

I am writing to inform you of our opposition to S.7. I am the President of THE NEW 49'er Chapter of the Western Mining Council. THE NEW 49'ers is a gold mining club with both recreational and professional members based in Happy Camp, California. Our Western Mining Council Chapter has 71 members at present.

Many of the areas of the California desert which Senator Cranston has proposed to have assigned wilderness designation in S.7 are known to contain valuable deposits of minerals. There are precious metals as well as strategic metals present. Our nation is overly dependant on foreign governments for these materials now. There will be no mining in a wilderness area. If these areas in question receive a wilderness designation, then we will make these domestic reserves of strategic materials unavailable to ourselves now and in the future, further increasing our dependancy on foreign governments.

How will this effect our national security? Should we be drawn into a war, what will become of a nation such as our which is dependant upon unfriendly foreign governments such as South Africa for the materials we use to construct the machinery of our defense--our planes, missils, and communications equipment? And if we should lose a war because we locked up too many of our own natural resources into wilderness, will the conquering nation honor our wilderness designations?

There is also the economic impact to be considered. We are spending millions of dollars outside the USA in foreign economies to purchase materials which are present in mineral deposits in these proposed wilderness areas. Imagine the impact upon the local and national economy if these dollars were to flow into southern California communities instead of foreign lands. There is no extensive mining of these mineral deposits at this time because it would be economically very foolish for a company to put money and time into developing deposits in an area which may be closed to mining in the future. If these areas of land do receive a wilderness designation, then we will forever deny ourselves the stimulus to the economy they can very realisticly provide.

Finally, there are individual rights to be considered. The areas proposed contain many square miles of land which are popular places for rockhounding, recreational mining, and other recreational activities. All such pursuits would be banned in these areas if they become wilderness. Those individuals, many of them retired people, who choose to live, enjoy liberty, and pursue happiness in this beautiful area would have those rights denied them.

We strongly agree with Senator Cranston that the need to protect this fragile environment is very real. We recognize that we are only one of thousands of species that use this area. The plants and animals which inhabit the desert have just as much right to exist in peace and prosper as we humans do, but not MORE right than we do. We are a thinking creature. We can find ways to enjoy these lands and remove the mineral wealth they contain without degrading them. Yes, let's protect these unique wildlife communities, but let's not ban humans and human activities from these areas completely. Let's not sacrafice our economy and our national security unnecessarily. I urge you to support us in opposition in S.7, and to vote against it. Please assist us in all ways that you can in defeating it. Thank you for considering these points.

Respectfully,

Paul J Badali

Paul J. Badali
President
Western Mining Council
THE NEW 49'er Chapter

PJB/ms

HIGH DESERT MULTIPLE-USE COALITION
P.O. BOX 1167, RIDGECREST, CA 93555

July 14, 1987

The Honorable Dale Bumpers
Committee on Interior and Insular Affairs
Senate Office Building
Washington, D.C. 20515

Dear Senator Bumpers,

We, of the High Desert Multiple-Use Coalition, are forwarding a copy of our resolution against the California Desert Protection Act of 1987, S.B.7, and would like it to be incorporated into the official record.

Thank you,

R Schiller
Ron Schiller, Chairman

Roger D. Nickell
Roger Nickell, Co-Chairman

mary L. grimsley
Mary Grimsley, Secretary

Sophia A Merk
Sophia A. Merk, Treasurer

Frank Holley
Frank Holley, Board of Directors

John Pate
John Pate, Board of Directors

copy to: Congressman William Thomas
Senator Pete Wilson

mlg

HIGH DESERT MULTIPLE-USE COALITION
P.O. BOX 1167, RIDGECREST, CA. 93555

RESOLUTION IN OPPOSITION
TO THE "CALIFORNIA DESERT
PROTECTION ACT OF 1987"
SENATE BILL 7

WHEREAS as the Congress of the United States passed on October 21, 1976 the Federal Land Policy and Management Act (FLPMA) by Senator Alan Cranston and others, which emphasized resource protection within continued multiple use of the lands, and

WHEREAS the Congress further directed that these principles be guided by the implementation of a comprehensive land use plan developed with the broad involvement of all segments of the public, and

WHEREAS this Act contained [illegible] provisions which created the California Desert Conservation [illegible] and

WHEREAS this Act provided for development of a management plan for the CDCA to include both protection and continued multiple use, and

WHEREAS a management plan [illegible] which recognized those special resource areas and values within the [illegible] and

WHEREAS this plan was approved by both the Carter and Reagan administrations, and

WHEREAS FLPMA further directs the Bureau of Land Management (BLM) to inventory and study all public lands for wilderness values, including mineral surveys, and report its recommendations to Congress for final decisions on wilderness designations, and

WHEREAS the evaluations and preparations of these reports is not yet completed, and

WHEREAS the United States Congress set the year 1991 as the year by which these reports and recommendations should be brought to them, and

WHEREAS United States Senator Alan Cranston, at the request of 21 preservation groups, has introduced in the Senate, S.7, and

WHEREAS S.7 would designate 81 wilderness areas without complete evaluation, and

WHEREAS many of the proposed 81 wilderness areas are roaded and lacking in those qualities required [illegible], as set forth in the Wilderness Act of 1964, and

WHEREAS S.7 would create [illegible] million acre Mojave National Park, a concept thoroughly studied [illegible] planning process and rejected, and

WHEREAS S.7 would add 1.5 million acres from the CDCA to Death Valley National Monument, land reveiwed by Congress and rejected as part of the planning process, and

WHEREAS S.7 would add 245,000 acres from the CDCA to Joshua Tree National Monument, land reviewed by Congress and rejected because of their enormous mineral values, and

WHEREAS S.7 would convert Death Valley National Monument and Joshua Tree National Monument to National Park status, and

WHEREAS these newly created National Parks will follow the tradition of other National Parks by charging entry fees, and

WHEREAS new public funds will have to be appropriated in the federal budget to construct extensive public facilities, such as a visitors' center in the Mojave National Park and to provide for additional staffs, and

WHEREAS the proposed Bill says, "There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title, and

WHEREAS the passage of the FLPMA of 1976 included a congressional mandate to BLM to begin planning for protecting and managing the resources of the CDCA under a multiple use concept, i.e., using the lands for mining, wilderness, recreation, grazing, as well as for the scenic beauty and cultural resources of the area, and

WHEREAS S.7 could put most of the free world's rare earths as well as other strategic and necessary minerals in jeopardy, and

WHEREAS S.7 could put most of the CDCA deserts most valuable resource, water, out of the reach of the public, now and for future harvesting, and

WHEREAS S.7 would eliminate most ranching in the CDCA, and

WHEREAS S.7 could place additional economic handicaps on private land owners, many small communities and rural counties, and

WHEREAS S.7 would limit access to 9.4 million acres of lands thus severely impacting recreational activities of all kinds, and

WHEREAS S.7 would negatively impact general aircraft flights and has the potential for impacting commerical and military flights, and

WHEREAS S.7 would negatively impact military testing and low level flight testing, and

WHEREAS S.7 would be costly to implement at the time when budget cuts are limiting services, and

WHEREAS the introduction of S.7 violates established democratic processes which should include input from all the publics, and

WHEREAS neither Senator Cranston, nor his staff, consulted with any local governments or their staffs in California before introducing the Bill, and

WHEREAS the Bill would drastically limit multiple use of the desert by tourists, miners, ranchers, and other users, and

WHEREAS we are informed that Senator Cranston and his staff consulted with preservation groups approximately one (1) year prior to the Bill's introduction, and

WHEREAS we are informed that desert user organizations, such as the California Mining Association, cattlemen organizations, American Motorcycle Association and others, were not consulted prior to the introduction of the Bill, and

WHEREAS the Bill would drastically effect the land use of almost all of the CDCA counties, and

WHEREAS the Federal government, through the BLM, has already spent a great deal of money, time and energy in developing the California Desert Plan with the participation of ALL desert users, including the preservation groups, local governments and others, and

WHEREAS S.7 is premature, ill conceived and contains many proposed actions which have been previously reviewed under other names by Congress and/or thoroughly evaluated over the four years of planning for the CDCA and rejected for good reason.

NOW, THEREFORE, BE IT RESOLVED, that the High Desert Multiple-Use Coalition opposes S.7 (California Desert Protection Act of 1987) in total, and

BE IT FURTHER RESOLVED that the High Desert Multiple-Use Coaltion supports the efforts of the Bureau of Land Management in the development of the California Desert Plan in the California Desert Conservation Area and the multiple use concepts therein, and

PASSED AND ADOPTED by the High Desert Multiple-Use Coalition officers, County of Kern, State of California, this 10th day of June, 1987, by the following signatures.

R Schiller Ron Schiller, Chairperson	Roger D. Nickell Roger Nickell, Co-chairman
Mary L. Grimsley Mary Grimsley, Secretary	Sophia A. Merk Sophia A. Merk, Treasurer
Frank D. Holley Frank Holley, Board of Directors	John Pate John Pate, Board of Directors

mlg

Testimony for the U.S. Senate
Subcommittee on Public Lands, National Parks, and Forests
Honorable Dale Bumpers, Chairman

Testimony opposing Senate Bill 7 by

Lisa Barbee . Tecopa, California

July 23, 1987

Mr. Chairman and Memebers of the Subcommittee:

My name is Lisa Barbee from Tecopa, California in the California Desert. I am a housewife and mother of two. Within the last two years, I sat on the board of directors for Inyo - Mono Advocates for Community action (I.M.A.C.A.) which is a community action association that helps the poor and needy. I am presently working on a community profile for economic development. The research I've done so far shows substantial evidence that S.B.7 would further strangle the economy of an already struggling area.

Myself, family, and desert community appreciate your interest in our opposition of S.7 and the opportunity to express it in this hearing. We see that a few people flying over the desert should not be making terminal choices for those of us who live here. Our reasons for seeing this bill withdrawn are:

1. No study of economic impact on local desert communities has been done. Proponents of S.7 did not even approach local governments before introduction of the bill.

2. Much of the money that has been spent on S.2061 and S.7 could have been

and could be better used to ameliorate poverty.

3. We find it interesting how policy makers and backers of S.7 want beef without grazing land for cattle, and a multitude of other products that require large quantities of mineral resources, but they want to lock up the land so that these things cannot be obtained. This type of legislation is another way for our country to develop still more foreign dependency on natural raw material resource and lose our nation's competitiveness in the world marketplace.

4. Handicapped and Senior citizens would no longer be able to experience the unique wonders of the desert due to road closures under S.7. In the Congressional Record of July 29, 1986 it is stated how many roads will be kept open, however proponents of S.7 fail to mention all the roads that will be closed.

It is an impossible task to enforce wilderness and National Park lands the size of the State of Kentucky. Under S.7 special lands would become commonplace and lose public respect.

As citizens of a desert community we see this bill as a threat to our lives and lifestyles as we know it. We too are creatures of this ecosystem, and that fact, everyone seems to ignore.

Consider that we can live harmoniously and affect needed changes within a multiple use concept which S-7 is not. The Federal Land Policy and Management Act Law of 1976 (F.L.P.M.A.) insures us public comment on land management with a multiple use framework. Senate Bill 7 removes this important priviledge of public comment from the unique individuals that know and understand the desert. Please help us stop S-7 by supporting and working with the present law (F.L.P.M.A.) that works!

CALIFORNIA DESERT CONSERVATION AREA

Sec. 601. (a) The Congress finds that —

(1) the California desert contains historical, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;

(2) the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the California desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archaeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California;

(4) the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the public lands in the California desert; and,

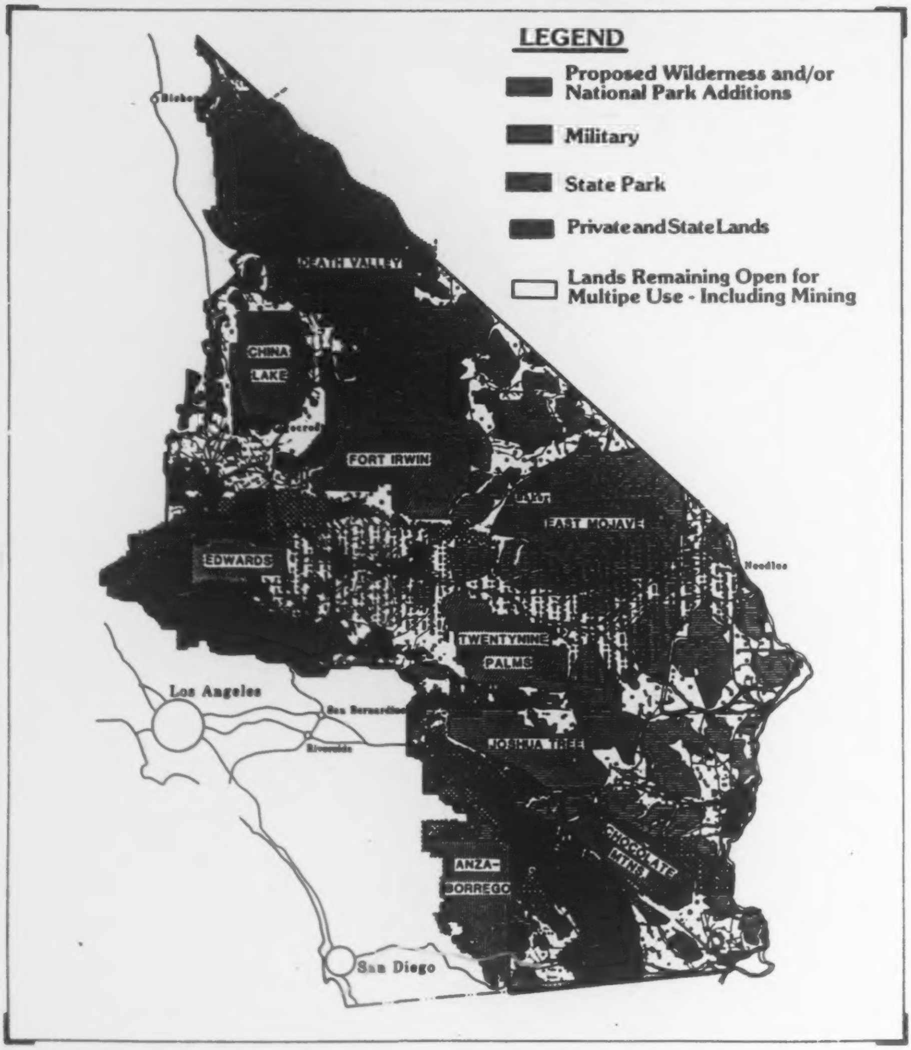
(6) to insure further study of the relationship of man and the California desert environment, preserve the unique and irreplaceable resources, including archaeological values, and conserve the use of the economic resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to facilitate effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality.

United States Department of the Interior

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historic places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department of the Interior also has a major responsibility for American Indian reservation communities and for people who live in island Territories under the United States administration.

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA BILLS NO. S-7 and H.R.-371


LEGEND
Proposed Wilderness and/or National Park Additions
Military
State Park
Private and State Lands
Lands Remaining Open for Multipe Use - Including Mining
Bishop
DEATH VALLEY
CHINA LAKE
FORT IRWIN
EAST MOJAVE
EDWARDS
Needles
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
CHOCOLATE MTNS.
ANZA-BORREGO
San Diego

1261

RESOLUTION

OPPOSING SENATE BILL 7

Passed June 16, 1987

By

BOARD OF SUPERVISORS
COUNTY OF IMPERIAL
STATE OF CALIFORNIA

RESOLUTION RE: Senate Bill 7 (S.B. 7)

WHEREAS the Congress of the United States passed in October 1976 the Federal Land Policy and Management Act (FLPMA) by Senator Alan Cranston and others, which emphasized resource protection within continued multiple use of the lands, and

WHEREAS the Congress further directed that these principles by guided by the implementation of a comprehensive land use plan developed with the broad involvement of all segments of the public, and

WHEREAS this Act contained special privisions which created the California Desert Conservation Area, and

WHEREAS this act provided for developed of a management plan for the California Desert Conservation Area, to include both protection and continued multiple use, and

WHEREAS a management plan was development which recognized those special resource areas and values within the California Desert Conservation Area, and

WHEREAS this plan was approved by both the Carter and Reagan administrations, and

WHEREAS FLPMA further directs the Bureau of Land Management to inventory and study all public lands for wilderness values, including mineral surveys and report its recommendations to Congress for final decisions on wilderness designations, and

WHEREAS the evaluations and preparation of these reports is not yet completed, and

WHEREAS the United States Congress set the year 1991 as the year by which these reports and recommendations should be brought to them, and

WHEREAS United States Senator Alan Cranston at the request of 21 preservation groups has introduced in the Senate Bill 7, and

WHEREAS S.B. 7 would designate 81 wilderness areas without complete evaluation, and

WHEREAS many of the proposed 81 wilderness areas are roaded and lacking in those qualities required for wilderness, and

WHEREAS S.B. 7 would create a 1.5 million acre Mojave National Park, a concept thoroughly studied during the California Desert Conservation Area planning process and rejected, and

WHEREAS S.B. 7 would add 1.3 million acres from the California Desert Conservation Area to Death Valley National Monument, a concept also studies and rejected as part of the planning process, and

WHEREAS S.B. 7 would add 245,000 acres from the California Desert Conservation Acrea to Joshua Tree National Monument, land reviewed by Congress and rejected because ot their enormous mineral values, and

WHEREAS S.B. 7 would convert Death Valley National Monumnet and Joshua Tree National Monument to National Park Status, and

WHEREAS S.B. 7 would put most of the free world's rare earths as well as other strategic and necessary minerals in jeopardy, and

WHEREAS S.B. 7 would eliminate most ranching in the California Desert Conservation Area, and

WHEREAS S.B. 7 could place additional economic handicaps on private land owners, many small communities and rural counties, and

WHEREAS S.B. 7 would limit access to 9.4 million acres of lands thus severely impacting recreational activities of all kinds, and

WHEREAS S.B. 7 would negatively impact general aircract flights and has the potential for impacting commercial and military flights, and

WHEREAS S.B. 7 would be costly to implement at a time when budget cuts are limiting services, and

WHEREAS the introduction of S.B. 7 violates established democratic processes which should include input from all the publics, and

WHEREAS S.B. 7 is premature, ill conceived and contains many proposed actions which have been previously reviewed by Congress and/or thoroughly evaluated over the four years of planning for the California Desert Conservation Area and rejected for good reason, now

THEREFORE, the Board of Supervisors, County of Imperial, State of California urges the Congress of the United States to reject S.B. 7 in total.

The above resolution was offered by Supervisor Vogel, seconded by Supervisor Seabolt and passed by the affirmative votes of Supervisors Legaspi, Blume, Bucher, Seabolt and Vogel.

PASSED AND ADOPTED this 16th day of June, 1987.

Linda Weaver

LINDA WEAVER
ACTING CLERK OF THE BOARD OF SUPERVISORS,
COUNTY OF IMPERIAL, STATE OF CALIFORNIA

75th ANNIVERSARY
1912 1987

U.S. CHAMBER OF COMMERCE

Albert D. Bourland
Vice President
Congressional Relations

August 11, 1987

The Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The U.S. Chamber of Commerce strongly opposes S. 7, the California Desert Protection Act of 1987, introduced by Senator Cranston. S. 7 would designate millions of acres of California desert as wilderness and millions more as national parks, without first considering the areas' resource values. It totally disregards the existing California Desert Conservation Plan, which was carefully designed to provide balanced use of these desert lands.

In 1976 Congress enacted the Federal Land Policy and Management Act (FLPMA). The FLPMA required the U.S. Department of Interior's Bureau of Land Management (BLM) to prepare a comprehensive land use plan "for the management, use, development and protection of public lands" in the California Desert Conservation Area (25 million acres in Southern California) created under the FLPMA. The plan was completed in 1980, after some 70 public meetings that produced 9,000 written comments, and approved by two Secretaries of the Interior in 1980 and 1981, under Democratic and Republican administrations. In strict compliance with the 1976 Congressional mandate, it includes protection of special cultural or natural resources (such as Native American artifacts, endangered plant or animal species, unique or unusual geology and other items that demand special management attention), zoning for limited, moderate and intensive uses, and a plan for setting aside 1.9 million acres for wilderness preservation.

S. 7 disregards many of the current plan's provisions and the careful planning, with public participation, behind them.

S. 7 bypasses Congress's directive to the BLM to recommend areas to be designated as wilderness after completing, by 1989, a survey of the mineral potential in the desert. S. 7 expressly forbids new mineral leasing for oil and gas, geothermal and other mineral exploration and would subject some 80,000 existing mining claims to cancellation. This provision alone would have a serious deleterious effect on the nation's economy and security.

1615 H Street, N.W. ☐ Washington, D.C. 20062 ☐ 202/463-5600

According to the BLM, the California desert is one of the richest mineral areas in the United States. Some 46 mineral commodities are produced in the desert, including 97 percent of the nation's strategic minerals, such as titanium, molybdenum and chromium. In addition, 100 percent of the boron minerals, 15 percent of the talc, 10 percent of the crude gypsum and six percent of the metallic minerals are produced there. Furthermore, all 11 so-called "rare earths," thought by superconductor researchers to hold the most promise for this important emerging technology, are located in the California desert.

In addition to its negative effects on mineral exploration and development, S. 7 would outlaw livestock grazing on much of the land it covers.

S. 7 ignores the many hours of work, compromises and recommendations of the California Desert Advisory Committee established by the FLPMA. The Chamber urges you to oppose S. 7 and requests that this letter be made a part of the record on this bill.

Sincerely,

Albert D. Bourland

cc: Tom Williams, Majority Senior Professional
Staff Member
Tony Bevinetto, Minority Professional
Staff Member

California Chamber of Commerce

August 11, 1987

The Honorable J. Bennett Johnston, Chairman
Senate Energy and Natural Resources Committee
136 Senate Hart Office Building
Washington, D.C. 20510

Dear Senator Johnston:

We appreciate this opportunity to provide supplemental comments to the July 23, 1987 hearing on S.7. We urge the committee to specify in S.7 the federal lands that will be exchanged for state school lands in the California desert. In 1983 the state pledged these state-owned school lands, comprising some 500,000 acres in fee and another 600,000 acres with mineral rights, to our State Teachers' Retirement System as an asset to liquidate an unfunded liability in the system of over ten billion dollars.

The current value of this asset ranges between one and two billion dollars but there is no current information on mineral values and the asset could be significantly increased by accurate mineral and geothermal surveys. The taxpayers of California and our member companies are legally required to pay this liability. The present provisions of S.7 will destroy as much as seventy five percent of the value of these lands and constitutes a direct cost to our taxpayers.

The language in Section 605 of the bill is inadequate for this state to receive full value for the school lands since there are insufficient remaining "public" lands to accomplish the exchange and there is no authorization for exchange of GSA and military lands.

Our taxpayers are not provided the same protections in S.7 as private property owners received in the 1984 California Wilderness Act which had "selection tracts" from which the owners of private property surrounded by wilderness could choose exchange lands from specific areas of high value (see House Committee Report on H.R. 1437, Interior and Insular Affairs Committee, March 18, 1983, Page 46).

We respectfully submit that the only fair way to handle the school lands problem created by S.7 is to list the exchange lands in the bill prior to enactment. The insufficient public land base for exchange is not limited to state owned lands and should also be considered by the committee with regard to privately owned lands.

We are enclosing a fact sheet in opposition of S.7. Thank you for considering our position.

Sincerely,

C.W.H. Solinsky
Resources Director

Enclosure

1027 10th Street, 4th Floor · P.O. Box 1736 · Sacramento, CA 95808 · (916) 444-6670

OPPOSITION STATEMENT TO S.7 (CRANSTON)

California Chamber of Commerce
1027 Tenth Street, Sacramento, California 95814
916/444-6670

Contact: C.W.H. Solinsky, Resources Director

PROPOSED LEGISLATION: S.7 establishes almost 9,000,000 acres of new wilderness areas in the California desert and severly restricts recreation or vehicle access on another 1,000,000 acres on lands administered by the Bureau of Land Management. Most of the land in the new national parks created by S.7 would be immediately designated as wilderness.

REASONS FOR OPPOSITION: In the last ten years a desert plan has been developed for California with participation by environmental groups, resource users, and recreation interests. Additionally, the Bureau of Land Management has conducted extensive environmental hearings in formulating a recommended 1.9 million acres of new wilderness in the desert which will be submitted to Congress in 1989 when mineral surveys are completed.

S.7 ignores ten years of planning efforts by:

- --Increasing the wilderness acreage by fourfold with no justification for the massive changes.
- --Arbitrarily draws lines for new boundaries with no opportunity for the public to review maps.
- --Jeopardizes billions of dollars of California school lands by circling them with new national parks. California taxpayers will have to pay for this loss.
- --Closes 2,231 miles of roads.
- --Creates 7,000,000 acres of wilderness without any mineral survey of values. (The 1.9 million BLM acres are being surveyed).
- --Precludes development rare earths which the nation now has a monopoly on for superconductivity products.
- --Increases from six (6) percent to fifteen (15) percent of the land mass in California which will be off limits for campgrounds, picnic tables, vehicular recreation or commerce and thirty (30) percent of all federal lands.
- --Eliminates twelve (12) planned utility and transportation corridors severely restricting future economic growth.

ec/

FTR S.7

THE WILDLIFE LEGISLATIVE FUND OF AMERICA
To protect the Heritage of the American Sportsman to hunt, to fish and to trap.

1000 Connecticut Avenue, N.W.
Suite 1002
Washington, D.C. 20036
202/466-4407

1987 AUG 17 AM 8 26

14 August 1987

The Honorable
Alan Cranston
112 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cranston:

The Wildlife Legislative Fund of America was not able to present the enclosed statement opposing S. 7 at hearings recently held in Washington, D. C., due to other commitments during that time. On behalf of the Wildlife Legislative Fund of America and its affiliated members, I hereby request this statement be made part of the hearing record (July 21 and 23, 1987). I also ask that you review our statement, which represents the views of sportsmen and trappers in California.

Sincerely,

Carol C Porter

Carol A. Porter
Director of National Affairs

cc: members, Senate Energy and Natural Resources Committee

50 West Broad Street, Columbus, Ohio 43215 614/221-2684

STATEMENT

by

THE WILDLIFE LEGISLATIVE FUND OF AMERICA

In Opposition to S. 7:

The California Desert Protection Act

Submitted to

Public Lands Subcommittee

Senate Energy and Natural Resources Committee

Washington, D. C.

The Wildlife Legislative Fund of America strongly opposes S. 7, the California Desert Protection Act. We believe this legislation is unnecessary and if enacted will severly limit recreational opportunities in the desert, especially as they relate to hunting and trapping. We also oppose S. 7 for its affect on current wildlife management programs in the California Desert.

For your information, the Wildlife Legislative Fund of America is a non-profit organization whose purposes are to protect scientific wildlife management practices as well as the interests of sportsmen and sportswomen. The WLFA is also an association of conservation organizations representing hundreds of sportsmen's clubs--from Ducks Unlimited and the Ruffed Grouse Society, to the Foundation for North American Wild Sheep and Shikar Safari Club International. The WLFA also has as affiliates the American Fur Industry, the National Trappers Association and Fur Takers of America. We provide legal, legislative and public relations services for well over 750,000 American sportsmen and sportswomen.

The WLFA supports protection of the California Desert Conservation Area (CDCA) and supports the current management system offered by the Bureau of Land Management (BLM). The WLFA believes the BLM ongoing study of the desert should be allowed to conclude prior to any legislative solutions. For those reasons we believe S. 7 will cause more disruption and hardship than realized by the bill's sponsor.

S. 7 will prohibit or severly restrict hunting on over 12 million acres of land. It will also prohibit and/or restrict trapping. Proponents of the legislation claim that wilderness designation will not prohibit these activities. However, the reality of restricted access by horseback or by foot will inevitably halt hunting and trapping opportunities. This bill will affect sportsmen in spite of the false assurances provided by the bill's sponsor.

Another result of this bill, if enacted, will be the loss of ongoing management programs that work to ensure wildlife conservation in the desert. For example, the California big horn sheep reintroduction program, which has been enormously successful over the years, will come to a grinding halt as a direct result of S. 7. Wilderness designation, again, will prevent the necessary access to provide essential watering devices and disease control. The big horn sheep program cannot progress without proper attention. In addition, hunting and trapping are used as management tools by wildlife professionals. This legislation will prohibit the tools necessary for management in the desert and will, as a consequence, affect other wildlife programs as well as the resource itself.

There will be other impacts to the desert and its user groups that must be noted. The economic impact of a trapping ban will certainly deprive the desert trapper of seasonal income which he often depends upon. The state wildlife agency will also lose revenues derived from hunting and trapping licenses, expecially those derived from out of state hunters and trappers who often pay a higher fee.

The California Desert Protection Act will affect many recreational interest groups other than conservationists. This is because the BLM desert management plan permits a multiple use concept that balances the needs and traditional activities of those who visit or live in the California desert. To close out the numerous recreational uses of the desert is shortsighted. To specifically close the area to hunting and trapping will, in effect, abolish wildlife management practices within the desert area. The resulting impact on wildlife, such as the big horn sheep, could be disasterous.

For these reasons, the Wildlife Legislative Fund of America opposes S. 7, and urges the Senate Energy and Natural Resources Committee to reject the bill.

MANUFACTURING
CREATES
AMERICA'S
STRENGTH

Statement
of

The National Association of Manufacturers
on S. 7, the "California Desert Protection Act of 1987"

Submitted to the Energy and Natural Resources
Subcommittee on Public Lands, National Parks and Forests
United States Senate

August 6, 1987

National Association of Manufacturers
1331 Pennsylvania Avenue, NW, Suite 1500 — North Lobby
Washington, DC 20004-1703 (202) 637-3000

The National Association of Manufacturers is a voluntary business association of more than 13,500 corporations, large and small, located in every state. Members range in size from the very large to the more than 9,000 smaller manufacturing firms, each with fewer than 500 employees. NAM member companies employ 85 percent of all workers in manufacturing and produce more than 80 percent of the nation's manufactured goods. NAM is affiliated with an additional 158,000 businesses through its Associations Council and the National Industrial Council.

Statement
of

The National Association of Manufacturers
on S. 7, the "California Desert Protection Act of 1987"

Submitted to the Energy and Natural Resources
Subcommittee on Public Lands, National Parks and Forests
United States Senate

August 6, 1987

Statement
of

The National Association of Manufacturers
on S. 7, the "California Desert Protection Act of 1987"

Submitted to the Energy and Natural Resources
Subcommittee on Public Lands, National Parks and Forests
United States Senate

August 6, 1987

Mr. Chairman and Members of the Subcommittee on Public Lands, National Parks and Forests, we are pleased to submit this statement on behalf of the National Association of Manufacturers in response to hearings held on S. 7, the "California Desert Protection Act of 1987."

The strength and general welfare of the United States are dependent upon the continued availability and development of adequate supplies of oil and natural gas, coal, water, agricultural products, minerals and timber. Unfortunately, S. 7, the "California Desert Protection Act of 1987" introduced by Sen. Alan Cranston, hampers the ability of industry to access these types of resources on large tracts of our federal domain.

NAM OPPOSES CLOSURE OF PUBLIC LANDS

NAM's opposition to Senator Cranston's proposal stems from the fact that we believe no areas of public land should be closed to or restricted from resource development and nonwilderness multiple uses in the absence of compelling national interest which override the need for adequate domestic natural resources. The California Desert, containing areas that Senator Cranston proposes we designate as wilderness, supplies this nation with 65 mineral commodities. These commodities provide our nation with 100 percent of our boron minerals, 97 percent of the domestic rare earths, 15 percent of the talc, 10 percent of the crude gypsum and 6 percent of metallic minerals. These are significant contributions to our domestic mineral markets.

S. 7: INCREASED IMPORTS FROM UNRELIABLE SOURCES

If we were to abandon the search for domestic resources because of ill conceived legislation, such as S. 7, we will be forced to import more minerals from foreign sources. Already, we are over 50 percent dependent on foreign sources for 22 of 36 strategic and critical minerals and materials. Sources of these imports are in many cases unreliable, at best. For example, chromium, a major component of stainless steel, is largely imported for domestic use from the Soviet Union and South Africa. South Africa also exports significant amounts of gold to this country. This precious commodity, so critical to many facets of our economy, is an example of resource access "preclusion" that could be a result of federal land lock ups such as proposed in S. 7. Gold production, in the California desert for example, increased from 5,000 ounces in 1981 to 200,000 ounces in 1986. In fact, it is anticipated that production will increase to 255,000 ounces in 1987 and 305,000 ounces in 1988. S. 7 would in all probability alter these positive projections to the detriment of the domestic economy and the mining and manufacturing community.

But besides "traditional" metals such as gold, the California desert is known to contain, and does produce half of the free world's rare earth minerals, all within S. 7's proposed Mojave National Park. It is these minerals that form the basis of the compounds which display the phenomenon of superconductivity at high temperatures. To propose arbitrary withdrawals which would affect these minerals as well as supplies of the 36 "critical" minerals is not in the nation's best interest.

NAM SUPPORTS THE EXISTING CALIFORNIA DESERT CONSERVATION AREA (CDCA) PLAN

While we oppose S. 7, we do recognize the important environmental values inherent to the California Desert. The California Desert Conservation Area (CDCA) program addresses these values and allows reasonable access to resource development. The CDCA was implemented to combine resource use and development with regulations designed to protect the environment. The criteria implemented created a balanced multiple use environment while simultaneously protecting our nation's domestic mineral needs and securing our right to explore for resources.

Great strides were taken to create a program that was fair to the public, the environment and industry. It seems quite unfair to suddenly disregard some 50,000 written comments on the subject, as well as all the time, effort, and money that went into developing the CDCA program.

It was Congress' original intent to implement the CDCA as a multiple use project. Unfortunately Senator Cranston's proposal does not reflect the original intent of Congress. NAM therefore respectfully submits its opposition to S. 7, the "California Desert Protection Act of 1987."

Thank you for consideration of our views.

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Suite 332 - Hall of the States
444 North Capitol Street, NW
Washington, D.C. 20001

(202) 624-5465

August 5, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
308 Dirksen Senate Office Building
Washington, D. C. 20510-6150

RE: H. R. 1744
Testimony for the
record

Dear Senator Bumpers:

The National Conference of SHPOs submits testimony in support of H. R. 1744 herewithin subsequent to the hearing on the bill held on July 30, 1987.

The NCSHPO urges the expeditious passage of this non-contraversial bill in the Senate before the expiration of the Historic Preservation Fund on September 30, 1987.

The NCSHPO appreciates the intereste and support of you and the Committee staff in the Historic Preservation Fund.

Sincerely,

Eric Hertfelder
Executive Director

cc: F. Lawerence Oaks, President, NCSHPO

EH:ns

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Suite 332 - Hall of the States
444 North Capitol Street, NW
Washington, D.C. 20001

(202) 624-5465

TESTIMONY OF THE
NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

H. R. 1744
Reauthorization of the Historic Preservation Fund

Senate Subcommittee on Public Lands, National Parks and Forests

July 30, 1987

The State Historic Preservation Officers support the extension of the authorization of the Historic Preservation Fund for five fiscal years as provided for in H. R. 1744. While sufficient authorized but unappropriated monies are available for appropriation, it is important that the authorization for the deposits into the Historic Preservation Fund (HPF) continue. The HPF receives $150 million of the $2.773 billion annual receipts from the sale of off shore oil leases. The HPF is derived from the philosophy that the profits from the exploitation of one non-renewable resource (oil) are used, in part, to enhance other non-renewable resources, historic propreties. The reauthorization of the HPF will maintain this link between the depletion of one resource enhancing another resource.

Historic preservation in the United States at the national level operates as a partnership between the two lead federal agencies, the Secretary of the Interior and the Advisory Council on Historic Preservation, and the States with the participation of local governments. The States carry out the national preservation program for the Secretary and the Council. The States are reimbursed for half the cost of carrying out the federal program through appropriations from the HPF. The continued existence of the national preservation program depends on continued outlays from the HPF. Therefore, as Representative Bruce Vento said on the House floor, the HPF is the fuel of the national preservation program. Reauthorizing the HPF will continue the fuel supply to keep the preservation engine running.

The NCSHPO would be remiss to ignore its interest in increasing the annual outlays from the HPF for the national preservation program. The SHPOs hope the five year period of the reauthorization as provided for in H. R. 1744 will allow time for Congressional study of preservation funding mechanisms so that enhanced funding mechanisms can be in place by the 1990's.

Eric Hertfelder, Executive Director

ADMINISTRATORS OF THE NATIONAL HISTORIC PRESERVATION ACT IN THE FIFTY STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANAS ISLANDS, THE TERRITORIES OF AMERICAN SAMOA, GUAM AND THE VIRGIN ISLANDS, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

California Chamber of Commerce

August 6, 1987

AUG 7 REC'D

The Honorable Dale L. Bumpers
United States Senate
229 Senate Dirksen Office Building
Washington, D.C. 20510-0401

Dear Senator Bumpers:

We appreciate this opportunity to provide supplemental comments to the July 23, 1987 hearing on S.7. We urge the committee to specify in S.7 the federal lands that will be exchanged for state school lands in the California desert. In 1983 the state pledged these state-owned school lands, comprising some 500,000 acres in fee and another 600,000 acres with mineral rights, to our State Teachers' Retirement System as an asset to liquidate an unfunded liability in the system of over ten billion dollars.

The current value of this asset ranges between one and two billion dollars but there is no current information on mineral values and the asset could be significantly increased by accurate mineral and geothermal surveys. The taxpayers of California and our member companies are legally required to pay this liability. The present provisions of S.7 will destroy as much as seventy five percent of the value of these lands and constitutes a direct cost to our taxpayers.

The language in Section 605 of the bill is inadequate for this state to receive full value for the school lands since there are insufficient remaining "public" lands to accomplish the exchange and there is no authorization for exchange of GSA and military lands.

Our taxpayers are not provided the same protections in S.7 as private property owners received in the 1984 California Wilderness Act which had "selection tracts" from which the owners of private property surrounded by wilderness could choose exchange lands from specific areas of high value (see House Committee Report on H.R. 1437, Interior and Insular Affairs Committee, March 18, 1983, Page 46).

We respectfully submit that the only fair way to handle the school lands problem created by S.7 is to list the exchange lands in the bill prior to enactment. The insufficient public land base for exchange is not limited to state owned lands and should also be considered by the committee with regard to privately owned lands.

Sincerely,

C.W.H. Solinsky
Resources Director

CC: Hon. Alan Cranston
Ms. Beth Norcross

1027 10th Street, 4th Floor · P.O. Box 1736 · Sacramento, CA 95808 · (916) 444-6670

PREPARED TESTIMONY
OF
GLENN J. BJORKLUND
VICE PRESIDENT
SOUTHERN CALIFORNIA EDISON COMPANY

BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS
REGARDING SENATE BILL 7
THE CALIFORNIA DESERT PROTECTION ACT

Southern California Edison Company ("Edison"), one of the nation's largest investor-owned public utilities, appreciates this opportunity to provide testimony on Senate Bill 7. Edison provides electric service in a 50,000 square mile area of central and southern California (see Figure 1). This area includes some 800 cities and communities. Electric service is provided to nearly 3.5 million customers representing about 9 million people. Sales of about 65 billion kilowatt hours ("kWh") were recorded in 1986, when peak demand reached 14,599 MW (megawatts).

Eighty percent of Edison's customers live in the Los Angeles Basin, while the remaining 20 percent live in the lower Central Valley and desert areas east of Los Angeles where air conditioning and heating needs are greatest. About 8 percent, or 246,000 residential customers (a population of about 525,000 people), are located in the California Desert Conservation Area (CDCA). Additionally, the CDCA has approximately 25,800 commercial, 2,600 agricultural and 2,300 industrial customers.

Although 88 percent of Edison's customers in the CDCA are residential, they accounted for only 38 percent of total kilowatt-hour sales in the area in 1986. The commercial and industrial sectors together accounted for more than half of total energy consumption.

Edison's goal as an electric utility is to provide reliable and environmentally acceptable electric service at a reasonable cost. Planning to meet this and the other corporate goals involves the orderly assessment of future conditions and the determination of appropriate future actions. Additionally, the resource plan must be flexible and responsive enough to meet these goals in an uncertain operating environment.

Planning is a continuous function and as significant changes occur in the operating environment, alternative courses of action are reviewed and plans revised to maintain a steady course toward desired objectives. Typically, detailed planning is done for periods of five and ten years into the future, but future resources may be studied up to 20 years into the future to ensure the availability of resource options. The resources in the California Desert Conservation Area are of strategic importance in Edison's 20 year planning horizon.

In response to evolving environmental trends in the 1970s, Edison shifted its planning for future resource development away from the Los Angeles Basin. With the support of PURPA and enabling rulemakings in California, Edison shifted its dependence to smaller renewable and alternative resources. This strategy focused on energy sources such as solar, wind and geothermal, all of which have high potential in various areas of the CDCA.

This strategy of smaller, more dispersed resource development placed a greater emphasis on the purchase of surplus energy, also termed economy energy, from other utilities outside Edison's service territory. These purchases have accounted for about 30 percent of Edison's yearly energy deliveries since 1982 and are growing steadily, saving Edison's customers millions of dollars annually. Power purchases are primarily from the Pacific Northwest and the desert Southwest including Arizona and New Mexico. To take advantage of economy energy availability, Edison needs a transmission system capable of efficiently transmitting such power into its load center. For example, Edison has expanded its import capability from Arizona from 1096 MW to 2539 MW since 1978 by constructing 500 kV lines across the CDCA.

The transmission system is of growing importance for connecting new generation sources to Edison's load center and for increasing inter-utility purchases. Desert transmission lines carry power from Edison's remotely located coal-fired generating plants in Nevada and New Mexico, Hoover Dam hydroelectric power in Nevada, nuclear power in Arizona, as well as a wide variety of other firm contract power purchases and economy energy sources. By the 1990s, Edison's share of power brought into its service territory via transmission lines through the California Desert Conservation Area will be approximately 4,600 MW. This will represent about 25 percent of Edison's total forecast peak load in the 1990s.

As Edison's transmission system has expanded, the potential and need for system interconnections with other utilities and sources of energy has also expanded. Interconnection permits economy energy exchanges and temporary backup power from other interconnected utilities in the case of generation or transmission outage. The mutually beneficial arrangements improve the reliability of all participants at a far lower cost than would be possible if all were built and operated as "stand alone" systems.

EDISON'S SPECIFIC CONCERNS REGARDING THE CALIFORNIA DESERT PROTECTION ACT, S.7

Southern California Edison recognizes the interests of the parties responsible for drafting Senate Bill 7 and of those parties supporting legislation for the protection of important desert resources. Edison was instrumental in coordinating utility input and support for the Utility Element of the BLM's California Desert Plan and working for a balance of interests in this geographic area. In that same spirit, Edison is working with the sponsors of this bill to resolve concerns it has with the legislation as it is currently written. Edison's concerns, identified and are grouped into four major areas for this subcommittee, as discussed below.

1. Operation and Maintenance of Existing Facilities.

Edison has one microwave facility located within Death Valley National Monument and one located in the Chuckwalla Mountains, areas designated by this bill for national park and wilderness classification, respectively (see S.7 Maps, Sheets C and 18). (Microwave facilities permit remote control and operation of transmission lines). Major high voltage transmission lines enter California from the east along BLM Utility Corridors BB and K (see S.7 Maps, Sheet M). Additionally, Edison has transmission lines in the Eldorado-Lugo Contingency Corridor and Mohave-Lugo Corridor (see S.7 Maps, Sheet M).

These unmanned microwave facilities and transmission lines require maintenance for reliable, continual and safe operation. They require periodic inspection by helicopter and motorized vehicle to check for storm damage, vandalism, and other equipment failures. Motorized vehicle access is required when maintenance and repair are needed.

Edison believes that this legislation does not adequately provide for routine and emergency facility operation and maintenance by helicopter and motorized vehicle within the areas designated for wilderness and national park classification, and recommends the legislation include such provisions.

2. Loss of BLM Approved Utility Corridors for Future Facility Siting.

Senate Bill 7 states that existing utility rights-of-way within the proposed Mohave National Park only are protected by this bill (Section 411). Edison believes this language is too narrow, does not provide for the potential upgrading of existing microwave and transmission facilities, the addition of new facilities in designated corridors, or the disposition of existing facilities in other national park or wilderness areas. Further, provisions for utility transmission rights-of-way providing Qualifying Facility (QF) power to the Edison system are not provided.

The availability of sufficient utility corridors for future siting of cost-effective transmission systems is of critical importance. Accordingly, Edison urges that language be drafted into the bill that recognizes and incorporates utility corridors of the California Desert Plan, as outlined below:

Title VI be retitled "General Provisions"

A new Section 601 be added, which reads:

> Nothing in this Act shall prohibit the construction of additional transmission or distribution lines, pipelines, or communication cables or lines within any utility corridor as designated in the California Desert Conservation Area Plan existing on the date of the enactment of this Act and the Secretary of Interior may grant, issue, or renew rights-of-way over, upon and under public lands within such corridors.

The remaining Sections of Title VI are renumbered sequentially.

Alternatively, provisions to Section 411 of Title IV and to a new section within the remaining Titles be included that specifically addresses each BLM Desert Plan corridor individually, as outlined below. Further, Edison does have existing lines in permitted rights-of-way, but that are not within utility corridors, as recognized by the California Desert Plan. These are discussed below.

Interstate 15 (I-15) Corridor (see S.7 Maps, Sheet M). This corridor is of prime importance to Edison and other utilities for future transmission facilities. Edison recommends that this legislation incorporate specific language establishing a utility corridor between the north boundary of Interstate 15 and the southern edge of the Clark Mountain Wilderness. Additionally, language providing for transmission siting north of the northern Clark Mountains Wilderness boundary is requested because the rugged terrain between I-15 and the Clark Mountains Wilderness area may limit transmission lines within the corridor.

Corridor BB (see S.7 Maps, Sheet M). Edison has three existing high voltage transmission lines within this contingent corridor designated in the BLM Utility Element of the California Desert Plan. The rights-of-way for these lines will be protected by this legislation within the proposed Mojave National Park. Edison requests that specific language be incorporated into the bill permitting the addition of a future 500 kV transmission line in the corridor and the potential upgrading of the existing transmission lines within the Mojave National Park and affected proposed wilderness areas.

Mohave-Lugo Transmission Line Right-of-Way (see S.7 Maps, Sheet M). Future expansion of this right-of-way is not recognized by the Utility Element of the California Desert Plan. Edison is not requesting such recognition. However, Edison respectfully requests that language be incorporated into the bill that will permit future upgrade and/or improvements on the existing line. With recent advancement in electric transmission technology, it would be imprudent not to permit such improvements (e.g., use of superconductivity materials).

Devers-Palo Verde Transmission Line, Corridor K (see S.7 Maps, Sheet 18). The northern boundary of the proposed Chuckwalla Mountains North Wilderness Area overlaps the existing transmission line right-of-way. A second line, to be located 130 feet south of the existing line, is currently being licensed. Edison requests that the wilderness boundary be placed not less than

2,000 feet south of the right-of-way center-line of the second line.

Deep Springs PS 562-563, and Control-Silver Peak Lines A and C (see S.7 Maps, Sheet 122). These transmission lines cross the proposed White Mountains Wilderness Area near Deep Springs and through Wyman Canyon. Edison requests that these lines and their associated access roads be excluded from within the wilderness area and that normal utility operation, maintenance, and potential upgrades if needed, be provided for in this bill.

3. Impacts on Present Desert-Based Electrical Generation.

The desert region, within and adjacent to California, has been important to Southern California Edison for the siting of essential generation facilities since the late 1960s. Edison operates the Cool Water Generation Facility near Barstow, California, which includes approximately 650 MW of conventional oil/gas and combined-cycle generation, 100 MW of coal gasification generation, and 10 MW of solar generation. Also, Edison is the operator and majority owner of the Mohave Coal-fired Generating Station in nearby Clark County, Nevada. Edison receives 885 MW of the Mohave plant's 1580 MW capacity.

The proposed legislation will significantly increase the number of areas afforded protection in California - 25 percent of the State of California and 42 percent of the California Desert Region. Edison is concerned that, with such lands under wilderness and national park protection, a strong political movement will emerge for redesignation of the Mojave Desert as a Class I area under Section 164 of the Clean Air Act. Such a redesignation could include language in the legislation which will require visibility protection similar to provisions of Section 169A of the Clean Air Act. This would require installation of expensive Best Available Retrofit Technology on existing facilities to mitigate their impact on visibility in the Class I areas. Edison estimates that such retrofits on the Mohave Generating Facility alone would cost between $200 and $300 million.

4. Impacts on Future Generation Siting.

In recent years, Edison completed studies leading to the California Energy Commission licensing of two sites for future desert-based generation. These sites are located in Lucerne Valley and Ivanpah Valley.

> Both sites are outside, but near areas designated for protection by this legislation and, as such, have unique strategic value in facilitating the expedited construction of generation if needs for additional capacity arise earlier than anticipated.

As stated above, Edison is concerned that passage of this legislation may lead to the establishment of the Mojave Desert as a mandatory Class I area. A Class I redesignation would require the most stringent emission controls upon any future electrical generating facilities in the California desert region. This requirement would limit Edison's present and future ability to establish desert-based generation. Such a classification would significantly limit Edison's options for serving its customers and a growing Southern California economy in a cost-efficient and environmentally acceptable manner. A significant portion of this economic growth is forecast for the desert region itself.

CONCLUSION

Edison respectfully encourages the Energy and Natural Resources Subcommittee on Public Lands, National Parks, and Forests to seek mutually satisfactory solutions to the concerns identified above. Edison also respectfully recommends that the Subcommittee hold additional hearings, preferably in California's desert region, to permit a full airing of all the concerns and issues surrounding this legislation.

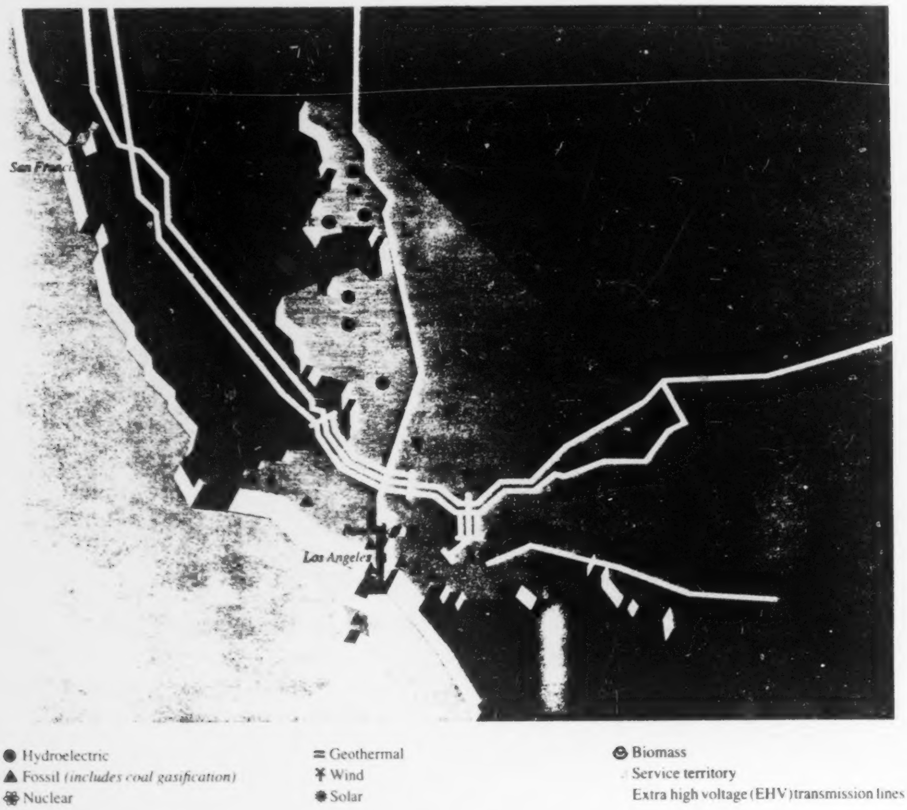

San Franci
Los Angeles
● Hydroelectric
▲ Fossil (includes coal gasification)
❀ Nuclear
= Geothermal
✱ Wind
✸ Solar
⊖ Biomass
Service territory
Extra high voltage (EHV) transmission lines

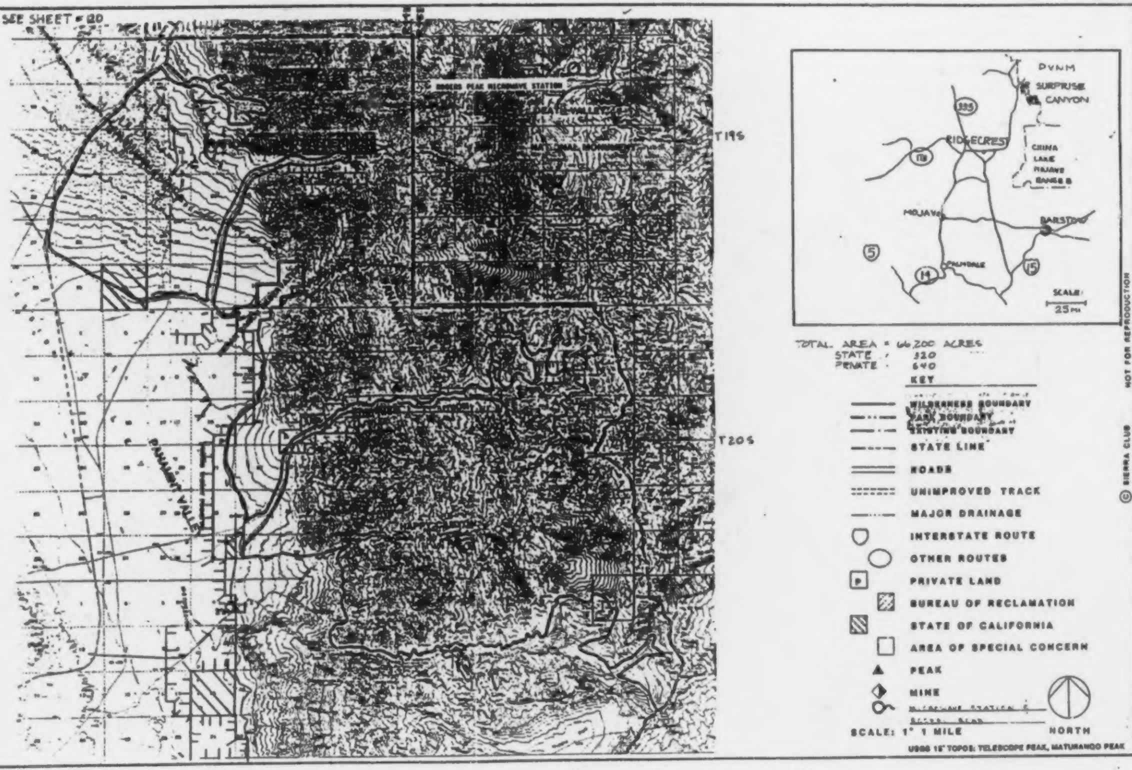
Figure 1. Southern California Edison serves more than 9½ million people in a 50,000 square-mile service territory.

SURPRISE CANYON WILDERNESS

WILDERNESS STUDY AREA NO. 136

SHEET 114

DATE 5-1-85


SEE SHEET #120
ROGERS PEAK MICROWAVE STATION
T19S
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PANAMINT VALLEY
DVNM
SURPRISE CANYON
CHINA LAKE NAVAL RANGE B
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395
178
MOJAVE
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PALMDALE
14
15
5
SCALE: 25 mi
TOTAL AREA = 66,200 ACRES
STATE: 320
PRIVATE: 640
KEY
WILDERNESS BOUNDARY
PARK BOUNDARY
EXISTING BOUNDARY
STATE LINE
ROADS
UNIMPROVED TRACK
MAJOR DRAINAGE
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STATE OF CALIFORNIA
AREA OF SPECIAL CONCERN
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USGS 15' TOPOS: TELESCOPE PEAK, MATURANGO PEAK

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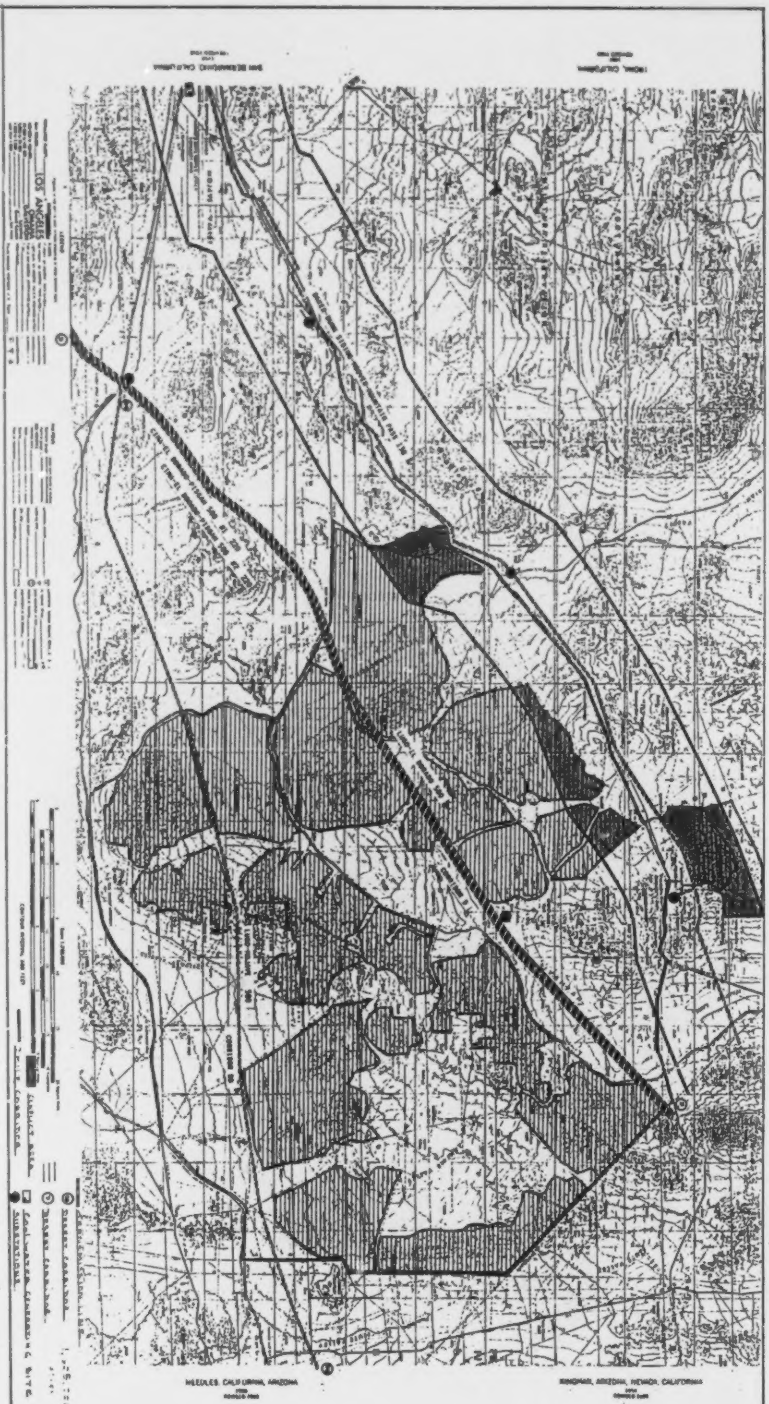
SAN BERNARDINO, CALIFORNIA
TRONA, CALIFORNIA
LOS ANGELES
NEEDLES, CALIFORNIA, ARIZONA
KINGMAN, ARIZONA, NEVADA, CALIFORNIA
Coal-water generating site
Substations
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M	**MOJAVE NATIONAL PARK**
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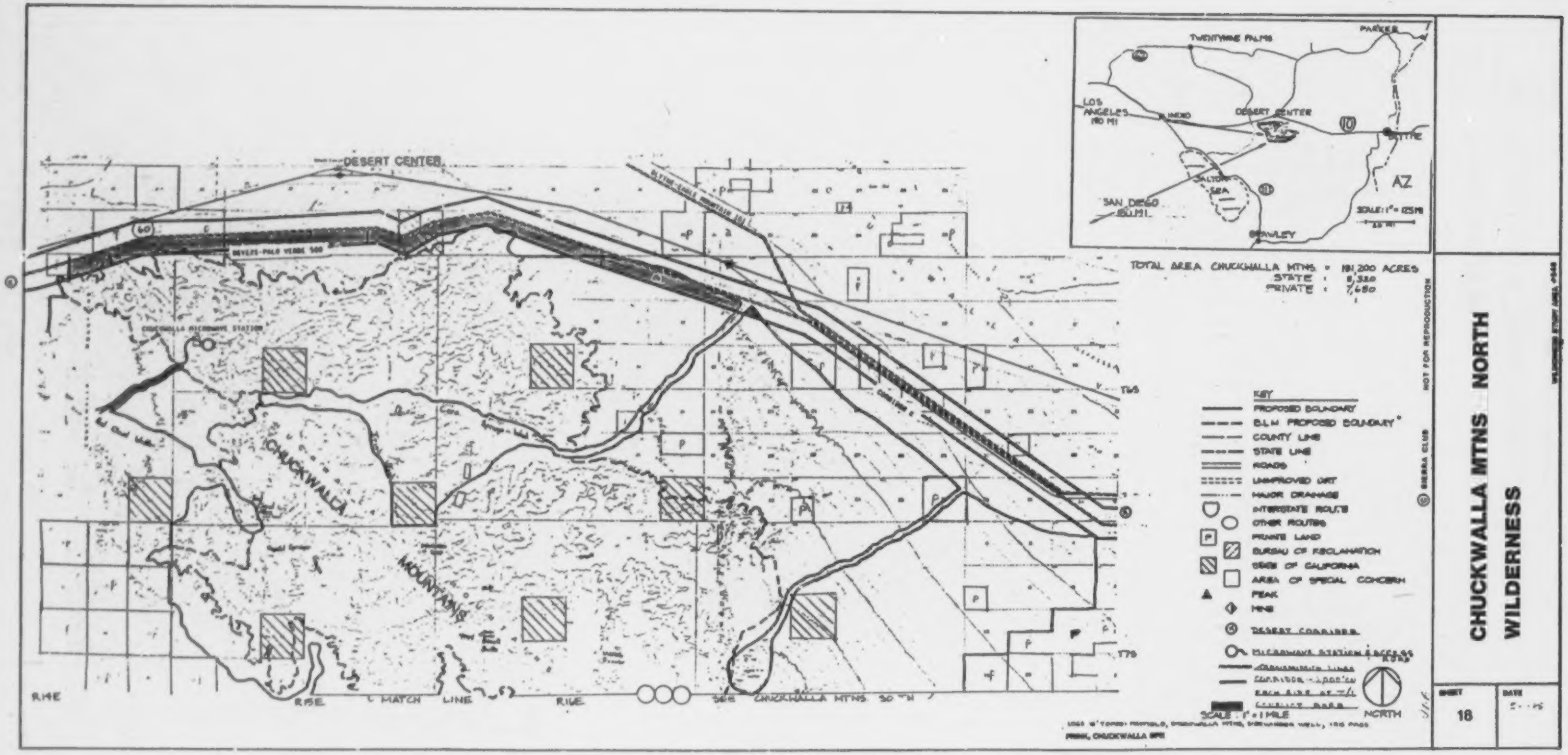
CHUCKWALLA MTNS NORTH
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DESERT CENTER
CHUCKWALLA
MOUNTAINS
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DEVERS-PALO VERDE 500
60
T6S
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MATCH LINE
SEE CHUCKWALLA MTNS SOUTH
TOTAL AREA CHUCKWALLA MTNS = 191,200 ACRES
STATE : 8,320
PRIVATE : 7,680
KEY
PROPOSED BOUNDARY
B.L.M. PROPOSED BOUNDARY
COUNTY LINE
STATE LINE
ROADS
UNIMPROVED DIRT
MAJOR DRAINAGE
INTERSTATE ROUTE
OTHER ROUTES
PRIVATE LAND
BUREAU OF RECLAMATION
STATE OF CALIFORNIA
AREA OF SPECIAL CONCERN
PEAK
MINE
DESERT CORRIDOR
MICROWAVE STATION & ACCESS ROAD
SCALE: 1" = 1 MILE
NORTH
© SIERRA CLUB
NOT FOR REPRODUCTION
TWENTYNINE PALMS
PARKER
LOS ANGELES 180 MI
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DESERT CENTER
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BLYTHE
SALTON SEA
SAN DIEGO 150 MI
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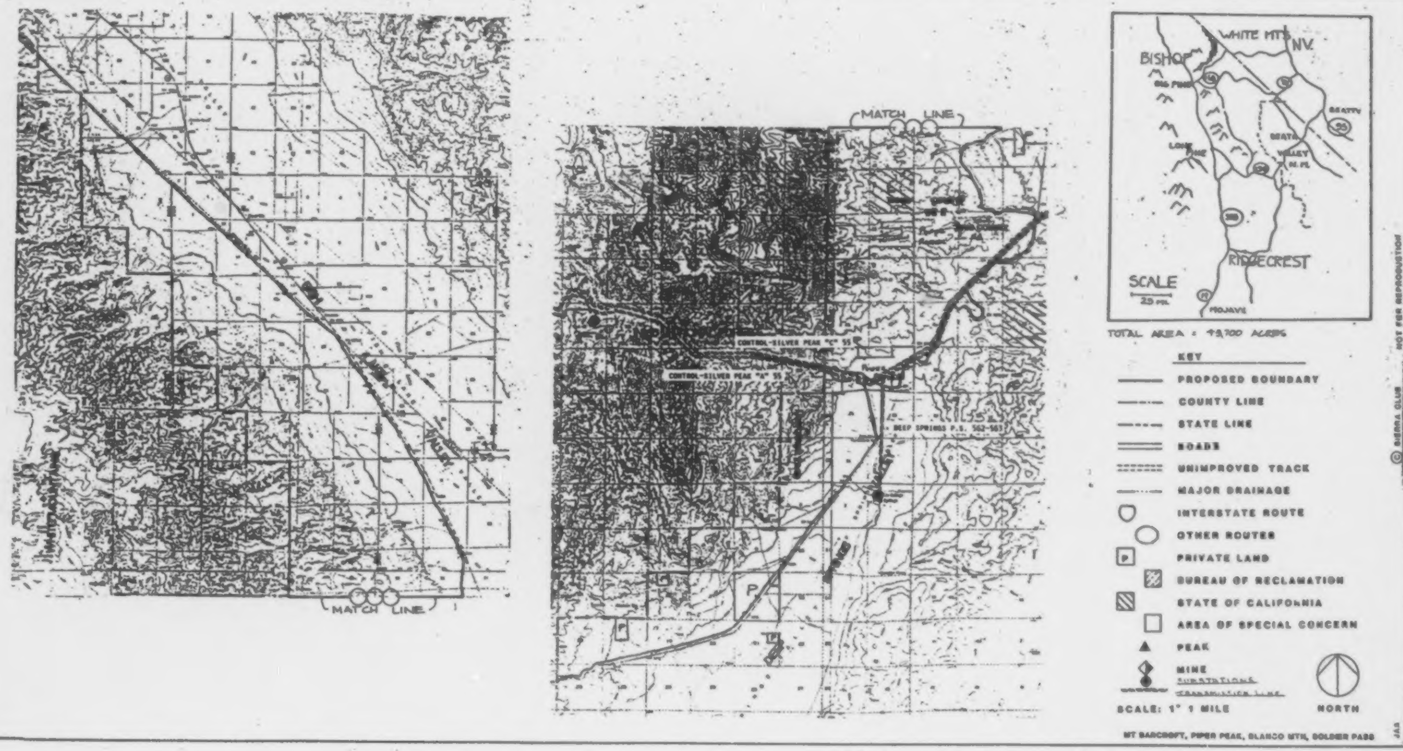
BRAWLEY
AZ
SCALE: 1" = 12.5 MI


MATCH LINE
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DEEP SPRINGS P.S. 562-563
P
WHITE MTS
NV.
BISHOP
BIG PINE
LONE PINE
BEATTY
95
DEATH
VALLEY
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RIDGECREST
SCALE
25 mi.
MOJAVE
TOTAL AREA : 45,700 ACRES
KEY
PROPOSED BOUNDARY
COUNTY LINE
STATE LINE
ROADS
UNIMPROVED TRACK
MAJOR DRAINAGE
INTERSTATE ROUTE
OTHER ROUTES
PRIVATE LAND
BUREAU OF RECLAMATION
STATE OF CALIFORNIA
AREA OF SPECIAL CONCERN
PEAK
MINE
SUBSTATIONS
TRANSMISSION LINE
SCALE: 1" 1 MILE
NORTH
MT BARCROFT, PIPER PEAK, BLANCO MTN, SOLDIER PASS

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JAS

WHITE MOUNTAINS
WILDERNESS STUDY AREA

[illegible] 100,100A,101,102,103,104 and 107A

SHEET 122

DATE [illegible]

STATEMENT OF PATRICK KELLY

ON BEHALF OF

CITIZENS FOR MOJAVE NATIONAL PARK

BEFORE THE UNITED STATES SENATE SUBCOMMITTEE ON PUBLIC LANDS

HONORABLE SENATOR DALE BUMPERS, CHAIRMAN

WASHINGTON,D.C., JULY 23, 1987

This testimony represents a consensus of the Board of Directors for CITIZENS FOR MOJAVE NATIONAL PARK regarding Senate Bill 7 and House Bill 371. In recognition of the national park-like visual, natural and cultural resources of the East Mojave Desert, our non-profit organization formed in 1976 to provide educative information on the region to any interested parties, to assist the Bureau of Land Management (BLM) in what is regarded by many in an interim managerial role, and to promote the creation of a Mojave National Park. The intervention of our group has directly contributed to establishment of this nation's first national scenic area and the introduction of Mojave National Park bills HR12812 (Brown) in 1978, HR4461 (Brown) in 1979, and the California Desert Protection Act S2061 (Cranston) last year. We are grievously concerned that continued management of this area in accord with the BLM multiple land use philosophy will result in a loss of valuable resources to the people of the United States.

According to Joseph Sax in his "policy statement (on) the meaning of national parks today," national parks are both "an object lesson for a world of limited natural resources" and "living memorials of human history on the American continent." While the 1.5 million acre East Mojave National Scenic Area (EMNSA) boasts countless interpretive opportunities of geologic phenomena such as cavern-forming processes, volcanism, and sand-swept landscapes, the space is both distinguished from the outlaying region and tied together visually, as if deliberately illustrated as a single entity. While evidence and artifacts of prehistoric history are encountered throughout, a linear development of America's manifest destiny can be followed along the Mojave National Historic Trail. There are countless personalities to this area known as the East Mojave Desert. But it is the assemblage of these attributes in which national park quality is found.

The fragility of this desert ecosystem is readily apparent to those of us who monitor the scars caused by unauthorized off-road intrusiions, quarry mining and harvesting of plant materials--damage which will take many generations to reverse. To those who have explored the nearly pristine inner areas of this region, the fringe of this proposed national park is rapidly deteriorating under the unmetered growth of Los Angeles' population located just three hours drive away. As the media continues to extol the virtues and recreational opportunities of this scenic area, the seclusion of these resources is diminishing The natural buffer which has protected this region for centuries is gone. Maintenance of the area's status quo condition is severly hampered by a questionable public image of the BLM managerial role and the equivalent of just two and one half rangers to patrol 1,500 square miles.[1] In 1985 the BLM expended approximately $700,000 in the administration of this area. Even the most conservative of visitation growth forecasts fatally eclipse the experience, technique and capacity of BLM's managerial potential.

The failure of the BLM to arrest this gradual decay is rooted beneath the district's shortage of manpower and is infused in the management philosophy itself. While the Bureau acknowledges the East Mojave's profoundly unique characteristics, it considers the multiple land use management concept, with minor modifications, a suitable means of regulating any territory within the Bureau's jurisdiction. The principle of multiple land use management is frequently criticized, by civilian urban planners, for it's lack of responsiveness to the exigencies of micro-scale regions.

While some individual elements of the California Desert Plan may bear favorably on management of this territory, the Bureau has frequently countermanded its own internal policies and directives. Unable to provide police services to stop the illegal and infamous "Barstow-to-Vegas" motorcycle race, the Bureau capitulated to one special interest group by legislating the annual event through administrative action, despite a federal injuction to the contrary and amid public opposition. Inexplicably and unexpectedly, the Bureau later deleted ten percent of the territory designated as the scenic area, again against overwhelming public opposition, presumably in response to focused interests within the mining industry. The quality assurance of federal land management ordinarily lays within the perpetuation of a stalwart management philosophy, supported by a suitable and perennial budget. In the short tenure of the Bureau's California Desert Plan, the agency has failed to adequately address issues critical to the preservation of this fragile environment. Vacillations within this management framework have instead demonstrated lack of clarity, objectives and reliability in the overall management plan. Any bonafide act of conservation must be statutorily detached from an administrative agency. The authority to control overall management objectives must be mandated by Congress in order to insure the survival of this pristene desert environment.

The Federal Land Policy and Management Act represents, to many urban planners, a dubious and innovative process. The Draft East Mojave National Scenic Area Management Plan represents a subsequent deviation from the superstructure of the desert plan. While some elements of this plan may address issues of conservation and visitor interpretation, this role is better served by the National Parks Service. Any attempt of the BLM to shift managerial philosophy in a direction already fullfilled by the parks service represents wastefull duplicity in Federal Government.

The Bureau's current management policy and recently introduced draft management plan for the scenic area fails to mitigate several quandries which continue to errode the quality of this environment. Lacking the resolve and statutory authority to effectively deal with mining, the BLM is paralyzed by the lobby of minor special interest groups and the 1872 mining law. Although only three mines operate profitably within the East Mojave, an estimated 10,000 sham mining claims threaten to privatize much of this public land. Abandoned mines leave behind open shafts, tons of debris, toxic wastes, and "No Tresspassing" warnings to passers by. One mining operation affronts federal efforts of land conservation by strip mining from the cindercones -- a registered natural landmark.

Grazing in the East Mojave produces only 5.9 percent of California's total beef production. Meanwhile the ranching operations conducted here adversely impact 17 percent of California's total grazed land area and are heavily subsidized.[2] The thirteen authorized allotments through the East Mojave Desert have been methodically perpetuated by a handful of individuals and subsequently snubs the concept of free enterprise. Even this relatively sparse proliferation of cattle has fouled virtually every perennial spring and interferes with the natural ecosystem through an artificial dissemination of both native and exotic plant species. Ranching operations result in the formation of unauthorized access routes, abandoned and dilapicated corrals, hundreds of miles of fencing and the illegal dumping of refuse from related habitation.

While the creation of a Mojave National Park may prove detrimental to a few, specialized, profit-oriented interests, the disadvantage is by far outweighed by the overall economic benefits. At the surface level, the park would generate approximately sixty-five additional federal job opportunities.[3] The interspacing of this third park unit between the Death Valley and Joshua Tree Park units would open avenues of economization for future park service operations through shared services and centralized regional management. (Managerial responsibilities for the scenic area are currently divided between two bureau distric offices). Civilian personnel engaged in logistical support of park service and concessionaire operations would generate employment opportunities in this economically depressed region. Finally, tourism-dependent Barstow and Baker would ride the crest of a new economic wave.

Contrary to the expressed opinions of the bill's opponents, access opportunities to park visitors would be enhanced through improved road maintenance, provision of motorist services, and safety patrols. The only "roads" subject to closure in the proposed national park are those in conflict with proposed wilderness designations. Regardless, most of these trails have already been classified by the BLM as non-authorized routes of travel. All roads subject to closure are of such poor quality as to not be reliably passable to passenger vehicles. Subsequently, any legitimate public outcry regarding threatened road closures is limited to special interest groups who are reliant on off-road vehicles.

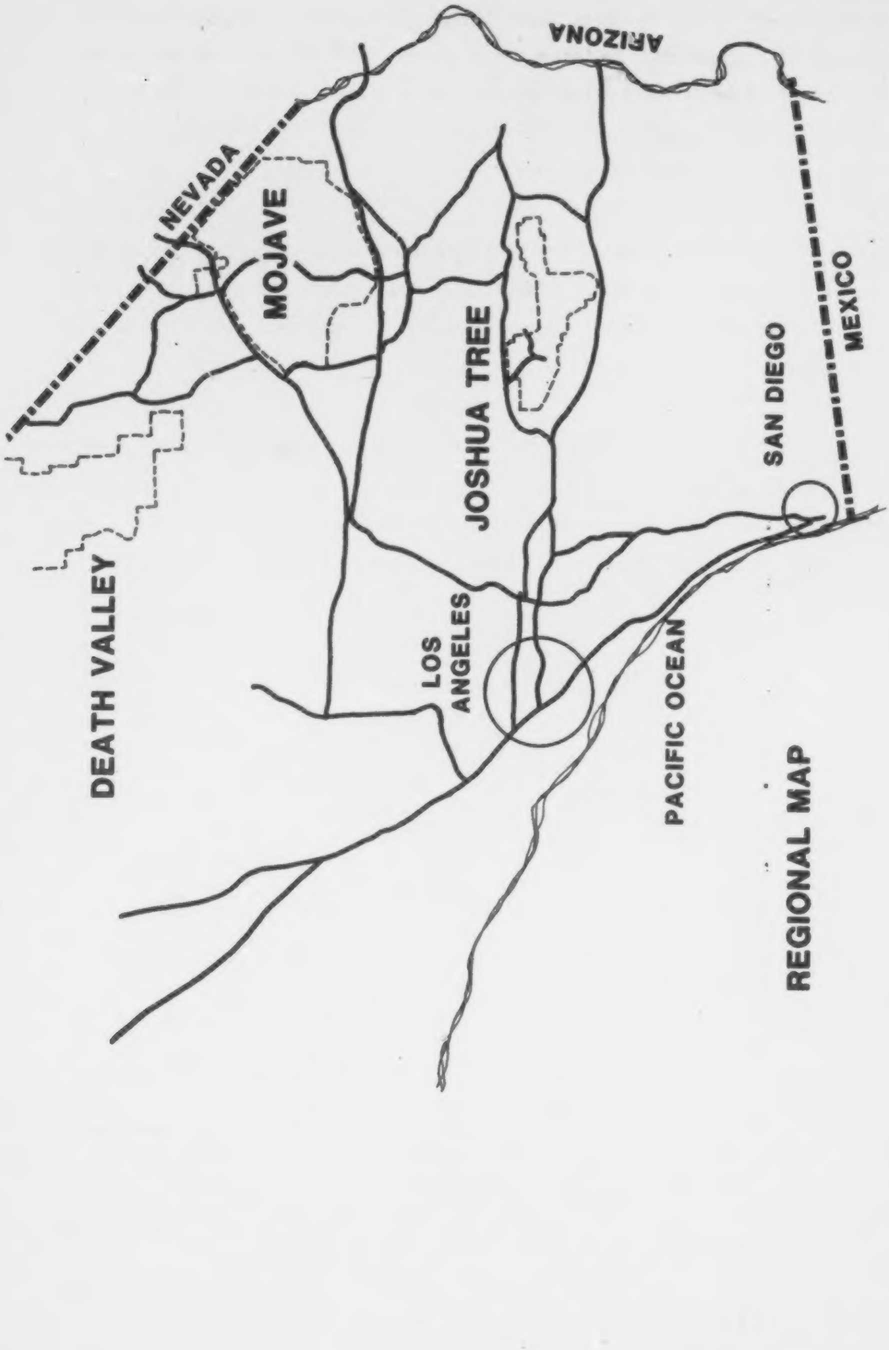
Countless opportunities exist within the proposed part to interpret geologic, prehistoric, and historic cultural resources. The Mojave Desert represents an "epitome", or transition, between three major biotic life zones. There occurs an astoundingly diverse assemblage of animal and plant populations. More than two hundred (200) species of mammals, six hundred (600) species of birds, and seven hundred (700) species of plants occur in an area mistakenly regarded as "lifeless" by many Americans. Fourteen plant communities including the unlikely occurances of white fir forest and coastal sage scrub, have been recorded so far. Eleven mountain ranges, numerous valleys, mesas, playas, volcanos, sand dunes, canyons, and limestone caverns provide text book completeness of the region's geologic history--and all can be observed in the course of a single day's circuitous drive through this proposed national park. Some of the bill's opponents have expressed an opinion that the east Mojave's visual resources are not of "National Park quality". These observations fail to account fr the necessity of preserving resources which transcend mere visual evidence to the uninformed eye.

The high desert has a visual charactor which cannot be compared elsewhere. In all of its resplendent visual glory, the East Mojave Desert remains virtually untrampled by mankind. But without immediate and committed protection, this area will quickly succumb to the rapidly-advancing urbanization of Southern California. The wealth of museum-quality features here beg the interpretive expertise of the National Park Services. No unit within the park system begins to represent this particular desert environment and few units can rival her beauty. We ask for your support in the birth of Mojave National Park --a park for all future generations of America.

1. Bureau of Land Management. East Mojave National Scenic Area: Management Plan and Environmental Assessment. Estimates are furnished within this document that approximately 60% of budget for Needles Resource Area is targeted for use in East Mojave National Scenic Area (EMNSA). The 1985 budget and manpower allocations were secured directly from BLM Needles office.

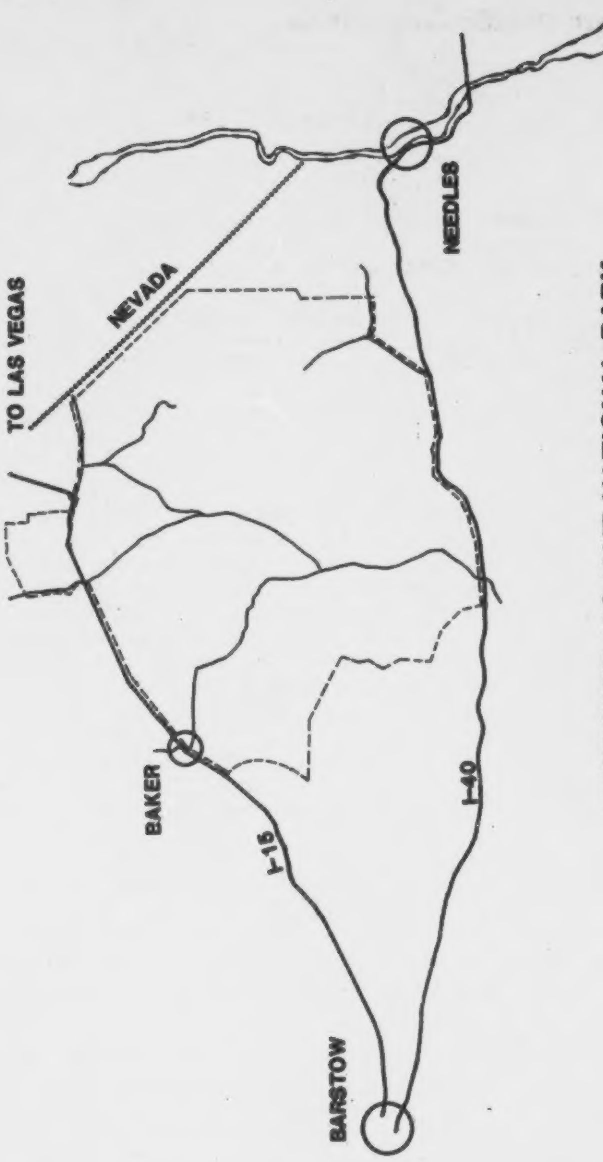
2. U.S.Department of the Interior, Bureau of Land Management. Public land statistics 1984. Estimate of cattle grazed within EMNSA (3,100) obtained directly from BLM Needles office. Approximately 51,800 cattle are grazed on 9.2 million acres of land in California.

3. National Park Service, Western Regional Office. Resource Assessment for the proposed Mojave National Park. 1987.
New Federal employment opportunities based on estimated National Park Service management staff minus sixty percent of BLM Needles resource area staff.



REGIONAL MAP

ARIZONA
NEVADA
MOJAVE
DEATH VALLEY
JOSHUA TREE
LOS ANGELES
SAN DIEGO
MEXICO
PACIFIC OCEAN


TO LAS VEGAS
NEVADA
NEEDLES
BAKER
I-15
I-40
BARSTOW

PROPOSED MOJAVE NATIONAL PARK

Santa Fe Southern Pacific Corporation

Suite 600
1667 K Street, N.W.
Washington, D.C. 20006
202/955-9250

July 29, 1987

Mr. Thomas B. Williams, Sr.
Professional Staff Member
Subcommittee on Public Lands, National
Parks and Forests
Senate Energy and National Resources Committee
364 Senate Dirksen Office Building
Washington, D. C. 20515-6150

Re: S.7, the proposed California Desert Protection Act

Dear Tom:

Santa Fe Southern Pacific Corporation (SFSP) submitted the enclosed statement to the Subcommittee on Public Lands, National Parks and Forests of the Senate Energy and Natural Resources Committee in connection with the hearings the subcommittee held on S.7, the proposed California Desert Protection Act, on July 21 and 23. The statement points out that S.7 would place some 515,000 acres of fee lands and 40,000 acres of severed minerals owned by SFSP's subsidiary, Southern Pacific Land Company (SP Land), inside the boundaries of proposed new wilderness and park areas. This is in contrast to the Bureau of Land Management's preliminary recommendation to include only approximately 85,040 acres of SP Land's holdings in proposed wilderness areas.

Because of the adverse effect that these designations would have on SP Land's development rights, the statement emphasizes the need to acquire the SP Land holdings by exchange and proposes several ways in which the government's land exchange authority should be expanded and made more flexible.

While it takes no position on the scope of S.7's wilderness and park proposals, the statement endorses the multiple use goals for the management of the desert embodied in BLM's California Desert Plan and stresses the importance of adequate mineral studies of the proposed areas before final action on them.

As you can appreciate, we are very interested in S.7 and would be pleased to provide you with any additional information that you might desire regarding our interests.

Sincerely,

Gregory M. Pensabene

Gregory M. Pensabene
Assistant Vice President

Enclosure

Santa Fe Southern Pacific Corporation

Statement of
Santa Fe Southern Pacific Corporation
on
S.7, the proposed California Desert Protection Act
before the
Committee on Energy and Natural Resources
# of the
United States Senate

July 23, 1987

Santa Fe Southern Pacific Corporation (SFSP), headquartered in Chicago, Illinois, is the parent company of Southern Pacific Land Company (SP Land), headquartered in San Francisco, California, which owns the lands remaining from the original federal land grants to the Central Pacific and the Southern Pacific railroad companies. SFSP is vitally interested in S.7, inasmuch as it would encompass in proposed new wilderness and park areas some 515,000 acres of fee lands and 40,000 acres of severed minerals owned by SP Land, as shown on the attached tabulation.

Although S.7 evidences no intent to extinguish these rights or otherwise acquire these properties, the practical effect of the proposed designations is to make it virtually impossible to exercise our existing development rights in those lands and minerals. There are two reasons for this: (1) the economic cost of additional stringent regulatory requirements with respect to access to and development of those properties that would not otherwise be applicable and (2) the certain adverse public reaction to any proposed development efforts in such areas even though our legal rights to do so have not been expressly abridged. Consequently, inclusion of our lands in the proposed new wilderness and park areas would, in our opinion, constitute a *de facto* taking for which provision must be made for appropriate compensation.

SFSP strongly believes that land exchanges should be the preferred method of compensation for the acquisition of private inholdings in proposed wilderness or park areas rather than outright purchase or condemnation. Exchanges will enable appropriate private lands to be acquired and preserved in non-development status while making other non-essential federal lands of equal value available for potential development. Although section 605 of S.7 directs the Secretary to carry out land exchanges with the State of California, it has no similar directive with respect to SP Land's properties. We see no basis for not providing similar treatment for our holdings.

The experience of our subsidiaries demonstrates the advantages of such exchanges. Santa Fe Pacific Minerals Corporation (Santa Fe Pacific), an SFSP affiliate headquartered in Albuquerque, New Mexico, and its predecessor companies have been active since the mid-1970's in seeking to maintain, evaluate and develop the land and mineral base remaining from the original federal land grant to the predecessor company of the Atchison, Topeka & Santa Fe Railway ("Santa Fe lands"). This has been made difficult because of an increasing number of legislative proposals to designate as wilderness or national parks large areas of federally owned multiple use lands administered by the BLM which are either intermingled with or overlie our mineral interests. Such proposals have presented potential management problems for the United States as well as very serious practical problems with respect to developing those minerals. Our response to these problems has been to work in cooperation with the BLM, the National Park Service, and interested conservation organizations to develop land exchanges by which we relinquish our mineral interests in the proposed park or wilderness areas in exchange for federal lands or minerals of comparable value elsewhere. This effort continues a long tradition of cooperation with the Federal Government in exchanging Santa Fe lands in order to accomplish national objectives. That cooperative tradition dates from the turn of the century and has involved the transfer of millions of acres of Santa Fe lands to the United States within the Coconino National Forest, Grand Canyon and Petrified Forest National Parks, and other areas in Arizona. More recently we have worked out similar exchanges in connection with the Chaco Culture National Historical Park Act (P.L. 96-550) and proposed legislation creating certain wilderness areas in the El Malpais region in New Mexico which was recently reported by this Committee (H.R. 403, S. Rept. No. 100-100).

SP Land likewise has a similar tradition of cooperation with the United States. Since 1979 it has completed numerous exchanges of lands in California, some in the California Desert, including 72,000 acres in furtherance of the federal wilderness, recreation and wildlife programs. There are presently pending four exchanges involving 25,000 acres mandated under the California Wilderness Act, which have bogged down temporarily because of differences between SP Land and the Forest Service, on the one hand, and the BLM relating to the need and cost responsibility for mineral surveys of the SP Land properties to be transferred to the United States.

Despite the foregoing history of successful land exchange efforts, the magnitude of recent proposals and strictures of current law threaten to block continued successful utilization of land exchanges by the BLM. For example, a statewide Arizona wilderness bill will probably be introduced in this Congress which, depending on its scope, could affect as much as 200,000 acres of our reserved minerals in Arizona. Although Santa Fe Pacific is still negotiating with the BLM on this and related land issues in Arizona, BLM has indicated that it does not have enough land in Arizona classified for disposal to accomplish an exchange of that magnitude. Because section 206 of the Federal Land Policy and Management Act ("FLPMA", 43 U.S.C. §1716), which contains BLM's basic exchange authority, prohibits interstate exchanges, BLM land available for exchange in other adjacent western states is off limits.

S.7 presents an even more serious management problem for the United States inasmuch as 515,000 acres of SP Land's property that would be affected are full fee lands. However, even though the Secretary of the Interior has general authority to exchange public lands for private lands included in the proposed new wilderness and park areas, the BLM doubts that it has enough land under its jurisdiction in California classified for disposal to exchange for such lands. SP Land would be willing to accept some federal lands in Nevada as part of an equal value exchange for its California lands, but the FLPMA prohibition again prevents that interstate exchange.

There are several possible solutions to the described problems. First would be to facilitate equal value determinations by the Secretary along the lines provided in the exchange authority contained in the El Malpais legislation recently reported by this Committee. Second would be to amend section 206 of FLPMA to permit interstate exchanges. In our view, the present restriction serves no discernible national interest. In 1970 the Public Land Law Review Commission recommended that "generally, within each department, all federally owned lands otherwise available for disposal should be subject to exchange, regardless of agency jurisdiction and geographic limitation." (Recommendation 126). That PLLRC recommendation is one of the few that has not yet been enacted by Congress. To the extent that there may be any persuasive reasons why repeal or modification of FLPMA's restriction on interstate exchanges would not be appropriate, interstate exchanges could at least be authorized for private lands included within the new wilderness and park areas provided for in S.7 upon appropriate conditions tailored to meet whatever objectives underlie the FLPMA restriction.

As a third complementary solution, Congress should direct that surplus federal urban lands in California or elsewhere under the jurisdiction of the General Services Administration ("GSA") be made available for exchange. Although the Federal Property and Administrative Services Act (40 U.S.C. §471 et seq.) appears to authorize the GSA to utilize exchanges, it is our understanding that they are seldom utilized, and certainly not in connection with public land programs like those involved in S.7. We see no reason why surplus lands held by GSA should not be available for exchange to implement programs in the national interest administered by federal public land agencies. SP Land already has extensive experience in developing its urban land holdings in California. On the basis of an equal value exchange, substantially fewer acres of surplus federal urban lands would be exchanged for their lands in the California Desert. An authorization limited to exchanges made necessary by S.7 would suffice, and we understand that there is recent precedent for such a limited approach. We are prepared to work with the Committee on these recommended approaches to facilitating exchanges.

On the merits of the proposed land designations in S.7, we endorse the multiple use goals for the management of the California Desert set out by Congress in 1976 in section 601 of FLPMA and now embodied in BLM's California Desert Plan. Based on our experience with the California BLM, we believe that it can continue to do a responsible job of managing the lands encompassed in its California Desert study in the national interest as authorized in FLPMA, particularly if BLM's enforcement and interpretive activities were more adequately funded. Consequently, the proponents of national park status for many of those lands should be required to present a compelling case in support of their proposal to change administrative jurisdiction over them. Similarly, while we also endorse wilderness as an important national priority, wilderness proposals must be carefully balanced against other important national needs, such as mineral production. "How much wilderness is enough?" is, in our view, a legitimate question for Congress to address. Subject to our review of pending mineral surveys required by law, we may have no serious objection to the scope of the BLM's wilderness proposals, which would affect only about 85,000 acres of our lands. However, S.7 would include an additional 470,000 acres of our lands and severed minerals in its proposed wilderness and park areas, and we believe that Congress should await the development of additional information on the mineral potential of those additional areas before taking action on them.

Finally, we are seriously concerned about the tendency in recent years for Congress to "short cut" the BLM wilderness review program established in 1976 in section 603 of FLPMA by acting on wilderness legislation before the BLM recommendations have received Secretarial and Presidential review and the President's recommendations have been forwarded to Congress. Since all of the federal lands included in the BLM wilderness study areas are protected from impairment pending final Congressional action on them, we see nothing to be gained by precipitous action which aborts the executive branch study and review process before it has run the course charted in FLPMA.

SOUTHERN PACIFIC LAND COMPANY
LANDS IN WSA'S PROPOSED FOR WILDERNESS
OR NEW NATIONAL PARKS IN S.7

WSA NAME	WSA #	ACREAGE
Black Mountains	CDCA-186C	9,600
*Newberry Mountains	CDCA-206	7,040
*Rodman Mountains	CDCA-207	10,880
Bighorn Mountains	CDCA-217	2,560
*Morongo	CDCA-218	10,240
Soda Mountains	CDCA-242	5,440
Kelso Dunes	CDCA-250	48,960
Cadiz Mountains	CDCA-251	36,640
Sleeping Beauty Mountains	CDCA-252	10,240
*Granite Mountains (EMSA)**	CDCA-256	7,360 fee/7,600 minerals
Bristol/Granite Mountains	CDCA-256	17,280 fee/5,760 minerals
Lava Hills	CDCA-258	10,880
South Bristol Mountains	CDCA-258A	10,880
Marble Mountains	CDCA-259	14,560
Clipper Mountains	CDCA-260	20,480
*South Providence Mountains**	CDCA-262	5,520
*Providence Mountains**	CDCA-263	3,360
*Ft. Piute**	CDCA-267	640
Wood Mountains**	CDCA-271	13,760
Signal Hills**	CDCA-272	8,800
Dead Mountains	CDCA-276	12,480
Piute Mountains	CDCA-288	6,720
Essex	CDCA-288A	7,040
Bigelow Cholla Garden	CDCA-290	3,840
Sacramento Mountains	CDCA-292	16,640
Stepladder Mountains	CDCA-294	18,880
Pilot Peak	CDCA-295	8,960
Old Woman Mountains	CDCA-299	17,840
Ship Mountains	CDCA-300	10,240
Cleghorn Lakes	CDCA-304	5,600
Amboy Crater	CDCA-304A	4,480
Sheep Hole Valley	CDCA-305	29,120
*Chemehuevi Mountains	CDCA-310	21,120
*Santa Rosa Mountains	CDCA-341	7,040 minerals
*Mecca Hills	CDCA-343	4,480
*Orocopia Mountains	CDCA-344	1,280 fee/19,520 minerals
*Chuckwalla Mountains	CDCA-348	4,160
*North Algodones Dunes	CDCA-360	1,920
Cadiz Dunes	No Number (S.7 only)	7,680

PROPOSED NATIONAL PARKS

Joshua Tree	14,080
East Mojave	56,320

S.7 Fee acreage	515,040
S.7 Mineral acreage	39,920
TOTAL	554,960

* BLM preliminary recommendations (85,040 acres)
** Within proposed East Mojave National Park

Testimony of Stan Weidert for the record.
For the Public Lands, National Parks and Forests Subcommittee ;
Senate Energy and Natural Resources Committee.
Hearing on S7 ; July 23 1987.

Chairman Bumpers and Members of the Committee:

My name is Stan Weidert and I live in the Inwood area of Eastern Shasta County near Shingletown, California. I received a BA degree in the field of biology from California State University Fullerton in 1971, and I currently work as a small independent businessman procuring specific pollens for pharmaceutical purposes. The testimony I present here is my own.

My first experience of the desert environment came when at the age of seven my family stopped at the Petrified Forest National Monument while moving back to California after having lived for several years in Louisiana. Even to this day some 33 years later I can still remember walking up to the overlook for the Painted Desert and being totally enthralled by the raw colorfull beauty and open vistas presented to me there. Later in the trip I can also remember seeing much of the Eastern Mojave Desert by moonlight and wondering about the many mountains silhouetted in the distance across the broad, brush dotted valleys. This curiosity was expanded further in the morning as we completed our journey by crossing the Western Mojave Desert.

During the following 18 years I lived in Orange County, and I visited the California Desert on numerous occasions. Probably the most important of these visits were two trips that were part of a Desert Ecology Seminar that I participated in while attending Fullerton Junior College. This course greatly increased my already significant understanding and appreciation of the desert's special and very fragile environment. This extra understanding also lead me to question allowing off-road vehicles in all parts of the desert, in spite of the fact that I had previously visited parts of the Mojave and Sonoran Deserts with such vehicles.

It was also during one of these two visits, that I first learned of the special features and qualities of the area now proposed to become the Mojave National Park as part of S7. I have since visited the area on four seperate occasions, and I still have not seen all of the special places found there. My last visit was made even though I now live more than 450 miles from the East Mojave. I feel that the great diversity of plants and animal species, and variety of geologic and geographic land forms make the East Mojave an excellant candidate for national park status. I endorse the proposal in S7 for a Mojave National Park so that this diversity can be wholly protected for future understanding and appreciation. I also endorse the proposals to expand both Death Valley and Joshua Tree National Monuments, and give them both national park status.

When friends and aquaintances in Northern California inquire about where they should go on a visit to the California Desert, I always recommend these three proposed national parks along with Anza Borego State Park as representing the best of the full diversity there, and I always make as my first suggestion that they visit the East Mojave. All of the comments that I have received from those who have visited this special area are very positive and most have indicated that they hope to visit there again.

I feel that these intentions to return to the area proposed for the Mojave National Park, clearly demonstrates significant potential for drawing new visitors to this area as its special qualities become better known. Because very few people outside of Southern California and Southern Nevada know much about the East Mojave, a new national park should greatly increase the visitorship of the area and in turn be of significant benefit to the local economy.

Most Northern Californians visit the desert from November through April when our weather tends to be cold and very wet. One friend from Yreka spends much of these months in the Winterhaven area near Yuma, and she feels that far too much damage is already being done to the California Desert in that area. The availability of the desert at this time of year draws many Northern Californians from both metropolitan and rural areas. The proposed national parks should also benefit the local economies by attracting even more northerners during the fall, winter and spring.

Last December I was able to also visit the Colorado Desert near Winterhaven. My route took me along the east side of the Algadones Sand Dunes, which lie in Eastern Imperial County and are part of the largest dune system in North America. Along the way I chose to stop and take a walk up a wash in the area north of State Highway 78, which crosses the dunes at the very small town of Glamis. The dunes and adjacent lands are closed to off-road travel north of Glamis, and it was with great pleasure that I was able to refamiliarize myself with the plant species, such as smoke tree, palo verde, ironwood, desert willow, brittlebush, a bunch grass and various small herbacious species, that one finds along a sandy wash bed in the Colorado Desert. I was especially pleased to see seedling palo verde, ironwood and smoke tree germinating in the bottom of the wash. I felt confidant that these species will continue to survive and provide as the basic food source for the ecologic community that is dependent upon these washes.

Further up the wash I came across a special species of ant that uses the old leaflets from the palo verde and ironwood after the trees can no longer sustain their leaves due to lack of moisture. After these leaves have dropped to the ground the ants collect them and carry them back to their hive where the ants use the leaflets to grow a certain species of fungus, that serves them as their major food source. Unfortunatly the lateness of the day caused me to return from the wash sooner than I had wished or I might have discovered several more of the special species that live in and around these washes.

After returning I continued my travels south to the town of Glamis and into the area that is open to off-road vehicle use. In this area I could find only a few large palo verde and ironwood trees, and the washes were so riddled with vehicle tracks, that it was obvious that no seedlings of any plant species would have any chance to survive there. Even the flatlands between the washes had been reduced to almost a monoculture, or single species stand, of creosote bush, and the number of these present had been significantly reduced in number.

After my visit I was able to reflect upon my observations, that I had made along the east side of the Algadones Dunes, and apply my education in biology, ecology and botany to these observations. It was easy to determine that the ecosystem in the area open to off-road vehicle use was already in poor condition, and that even its continued existance was highly threatened by the vehicle activities that were occuring there. The combined impacts of soil disruption and compaction, seedling elimination, rodent burrow destruction, and run over brush points clearly towards the area becoming an open flat with only an occasional bush, and eventually, with no sucessful plant regeneration being possible, all that will be left is an empty barren plain.

The area north of Glamis however, because of its botanic diversity, successful regeneration, healthy soils and over vitality, should be able to sustain itself. The numerous plant species found here provide ample food source for a greater number and more species of insects. This is true because many species of insects are dependent upon a certain species of plant. The increased insects and plant forage, including seeds, leaves and stem matter, allow for a higher of birds, rodents and reptiles that use plants and insects as their primary food source. These small animals in turn supply predators such as raptors, snakes, coyote and bobcats with an adequate food supply. The increased browse should even allow for some larger herbivours such as deer where adequate water is available. Because of the overall health of the ecosystems in these areas closed to off-road vehicle use, such areas should provide for all desert species found here, and for human understanding and appreciation of the desert's ecological diversity for as long as these ecosystems can perpetuate themselves naturally.

These desert flatlands and their adjacent alluvial slopes are the key habitat for numerous species of plants and animals in all areas of the California Desert; and the ecosystems found here take hundreds or even thousands of years to regenerate themselves, and are easily disturbed by off-road vehicles or other intensive, active human uses. Unfortunatly the Bureau of Land Managment (BLM) has recommended only a small portion of such areas for wilderness, and has primarily recommended instead mostly mountainous terrain for wilderness. On my many visits to the desert I have noticed that many of the species of plants and animals one finds in mountain areas tend to be different from those found in the valleys and alluvial slopes, or the sand dune areas, which in turn have many endemic or unique species.

Because of the fragility, long term recoverability, and specific habitat needs of species of the sand dunes, valleys, alluvial slopes and adjacent washes, I believe that the only way to adequatly protect the full diversity of the California Desert is by including significant amounts of desert valleys, alluvial slopes and sand dunes in wilderness along with mountainous areas. I feel that Senator Cranston's California Desert Protection Act, S7, provides adequate amounts of wilderness and national parks for all of California's desert habitats to guaranty their healthy continuation. Also, Dr. Stebbins has clearly shown that large tracts of desert lands need to be protected if all species of wildlife are to continue to survive there.

For all of the reasons I have discussed up to now I would like to encourage Members of the Committee and all United States Senators to approve S7 as authored by Senator Cranston. I have personally visited practically all of the California Desert with the single exception of the Saline Valley, and it is from the best of this intimate knowledge that I feel that this bill avoids most, if not all, of the significant resource areas available for mining, off-road vehicle use or other active consumptive use or development. I feel that S7 not only provides for the best future for generations of all desert plants and animals, but that it also provides for the fullest potential multiple enjoyment and resource use for future human generations as well in a very balanced manner.

I would like to thank the Committee and the United States Senate for giving me this opportunity to provide written testimony for the California Desert Protection Act, S7, authored by Senator Cranston.

Respectfully submitted,
Stan Weidert
Stan Weidert

Mr. Jim Burrows
Administrative Assistant
Office of Senator Pete Wilson
U.S. Senate Hart Building
Room 720
Washington, D. C., 20510

July 22, 1987

Dear Mr. Burrows:

I am enclosing a letter related to Senate Bill S-7 which I need to have sent to Senator Johnston who is Chairman of the SubCommittee on Public Lands, National Parks and Forests. Could you see that this letter gets to Senator Johnston as soon as possible, please?

Thank you for your help in this matter.

Very Truly Yours,

John W. Nicoll
Nicoll Ranch
Weldon, California, 93283
Phone: (619) 378-[redacted]
2205

Senator Johnston
U.S. Senate Hart Building
Washington, D. C., 20510

July 22, 1987

Dear Senator Johnston:

I am writing in relation to Senate Bill S-7. I understand that you are Chairman of the SubCommittee on Public Lands, National Parks and Forests and that you are holding hearings relating to the Desert Conservation proposal which covers the Scodie Mountain Sequoia National Forest in Eastern Kern County, CA. and includes Cholla and Cane Canyons.

In regards to this bill I would like to request that you honor my prior right to develop the water at the lower Nicoll Spring and to pipe this water to the areas I have proposed in my US Forest Service application which you will note in the details below. The Lower Nicoll Spring is located in S.13-T27s, R35E, MDB&M.

The details of this matter are as follows:

The Cholla and Cane Canyons have been used by the Nicoll family since 1863 to raise cattle. We have been using water from the lower Nicoll spring since it was developed by my grandfather.

At the present time I have applications pending with the U.S.Forest Service, the U.S. Bureau of Land Management, and the California Department of Fish and Game to further develop the water from this spring and to pipe it to outer areas where there is no water at the present time. This will provide water to livestock, deer and upland game. This project is very important to the USFS in that it would provide water where none exists at the present time and to the USBLM in that it would bring more revenue in AUM grazing fees and distribute the cattle over a wider grazing area, thus eliminating areas of heavy grazing use and making better use of the entire range area. It is important to the CA Fish and Game department since it will provide water to deer, other game animals, birds, and other wildlife in the area. This would allow the wildlife to live and multiply in this area.

I am personally funding this project at a cost of around $15,000 and approximately 60 days of labor for two men. The cost would be recovered by additional weight gains on the cattle over a period of about eight years.

For more details please see the enclosed exhibits: Exhibit #2, Map of Nicoll Spring Project; Exhibit #3, Letter from Dave Consoli, Wildlife Biologist, Calif. Department of Fish and Game; Exhibit #4, Application to transmit water from Lower Nicoll Spring across Forest Service administered land; and Exhibit #5, Request for a right of way across U.S. Bureau of Land Management Land.

Thank you for your help in this matter. If I can provide you with more details please let me know.

Very Truly Yours,

John W. Nicoll
Nicoll Ranch
Weldon, California, 93283
Phone: (619) 378-2285

Encl: Exhibits #2-5

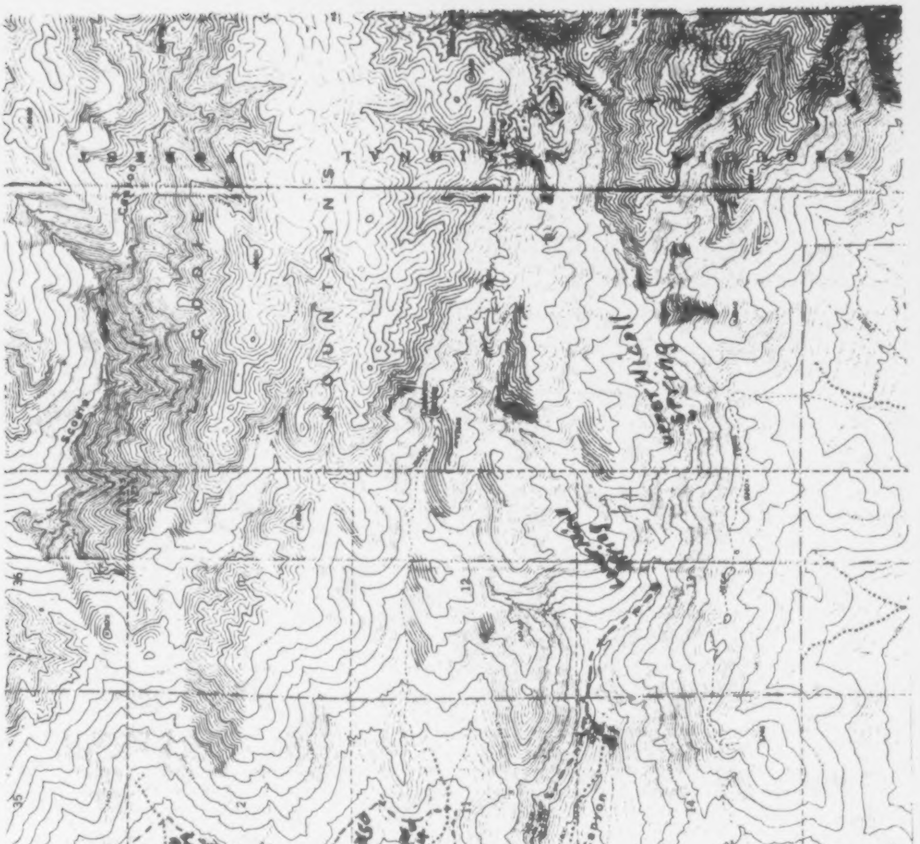

MOUNTAINS
Upper Mill
Spring
Canyon
Canyon
Cane
A.
B.
Cholla Installation
ROAD
34
35
36
33
10
11
12
13
14
15
16
9
3
4

Exhibit # 2

Exhibit # 3

John Nicoll
Nicoll Ranch
Weldon, Calif. 93283

Dear John: July 10, 1987

This letter is to inform you and those parties involved as to the items we discussed and agreed upon for the State Water Resources Control Board project # 27109.

On our field trip to the project site in Nicoll's canyon (T27S, R35E, SE 1/4 of NW 1/4 Sec. 13) we discussed the addition of eight to nine upland game water devices in addition to the proposed cattle watering troughs. These watering devices would be created by placing drip-line pipe into the main water line, provide a catch basin for the line, and cover the catch basin with a 50 gallon drum. A drinker would be placed along the main water line between each of the proposed cattle watering troughs in native vegetation for concealment.

In addition to the extra water drinkers, each of the cattle troughs will have a metal ramp placed into them to allow for the escape of young birds falling into the water.

We also discussed the possibility of planting some type of trees at various locations to provide shelter and roost sites for wildlife. The locations of these trees was to be determined at a later date.

The addition of these proposed wildlife improvements to this project would enhance the habitat capability of surrounding area and benefit wildlife populations. The completion of these improvements would satisfy any concerns the Department would have on the project.

If you have any questions regarding these items, feel free to call me at my home office.

Respectfully,

David Consoli

David Consoli
Wildlife Biologist
CDF&G

Exhibit # 4

Robert D.Addison
District Ranger
Cannell Meadow Ranger District
P.O. Box 6
Kernville, California, 93238

May 11, 1987

Dear Mr. Addison:

This is a special use application and report.

Description of land: Map submitted across NW1/4 of Sec. 13, T.27s, R. 35E, MDB&M.

Purpose of use: To transmit water from Lower Nicoll Spring across F.S. land to West Boundary of Scodie Mountain Sequoia National Forest. The water will be used for cattle grazing on the Nicoll Individual Allotment on B.L.M. Management Plan in Sections 2,3,4,9,10,14, T. 27s, R. 35E, and Sec. 33, 34, and 35, T. 26S., R.35E and for Wild Life use where nexessary as directed by the Fish and Game.

Land area applied for: Length 300 feet in canyon plus 2700 feet to boundary. Please see maps, exhibit # 7 and # 8.

Improvements: Develop spring with backhoe and dig 2 ft. trench to lay pipe for approximately 300 feet until pipe line leaves canyon floor, then to bury pipe for remainder of pipe line approximately 2700 feet. Install 2 ft x 6 ft pipe with lid in spring below surface 2 or 3 feet and with outlet for 3 inch pipe line.

Very truly yours,

John W. Nicoll

John W. Nicoll
Nicoll Ranch
Weldon, California
93283

Enclosures:
Exhibits # 7 & 8

Exhibit # 5

Robert D. Rheiner, Jr.
Manager,
U.S. Department of the Interior
Bureau of Land Management
800 Truxtun Ave., Room 311
Bakersfield, California, 93301

May 11, 1987

Dear Mr. Rheiner:

This is a request for a right-of-way across B.L.M. land to transmit water from Lower Nicoll Spring across BLMS 2,3,10,11,and 14 and to lay a pipe line and install eight water troughs to water cattle on my individual allotment. Please see map exhibits #7 and #8.

The water will be used for cattle grazing on the Nicoll Individual Allotment on B.L.M. Management Plan in Sections 2,3,4,9,10,14, T. 27s., R. 35E, and Sec. 33, 34, and 35, T. 26S., R.35E , MDBM.

This water project is very important. It is vital to wildlife as it will provide water for birds, small mammals, and deer. It will increase the revenue of the USBLM by at least 450 AUMs at whatever price will be charged at that time. It will benefit the flora on the range in that it will reduce the areas of heavy use which are currently found around the existing two water installations. It will be useful to me in that my cattle will gain more weight and will be able to use the range more efficiently.

Very truly yours,

John W. Nicoll

John W. Nicoll
Nicoll Ranch
Weldon, California
93283

Enclosures:
Exhibits # 7 and #8

**AMERICAN
MINING
CONGRESS**

FOUNDED 1897

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Washington, D.C. 20036
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* Immediate Past Chairman
† Honorary

July 30, 1987

The Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks and Forests
Energy and Natural Resources
Committee
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

The American Mining Congress (AMC) would like to take this opportunity to present the enclosed comments on S.7, the "California Desert Protection Act of 1987." We would appreciate the inclusion of this statement in the hearing record of July 23, 1987.

If you need additional information or if you have any questions, please contact Keith Knoblock (861-2851) or Jane Turner (861-2814) at AMC who have staff responsibility for this issue.

Sincerely,

John A. Knebel
President

Enclosure

AMC
AMERICAN
MINING
CONGRESS

FOUNDED 1897

Suite 300
1920 N Street N.W.
Washington, D.C. 20036
202/861-2800

TWX 710/822-0126
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John A. Knebel
President

Statement of

American Mining Congress

on

S.7

"California Desert Protection Act of 1987"

for inclusion in the hearing record

of the

Subcommittee on Public Lands, National Parks
and Forest

Committee on Energy and Natural Resources

U.S. Senate

July 23, 1987

Mr. Chairman, and members of the committee, the American Mining Congress welcomes this opportunity to present its views and comments on S.7, the "California Desert Protection Act of 1987". We are strongly opposed to its enactment.

The American Mining Congress is an industry association that encompasses (1) producers of most of America's metals, coal, and industrial and agricultural minerals; (2) manufacturers of mining and mineral processing machinery, equipment and supplies; and (3) engineering and consulting firms and financial institutions that serve the mining industry.

One-third of our nation's land area, approximately 750 million acres, is public land. Nearly two-thirds of the public lands are effectively foreclosed to mineral exploration and development. These lands contain valuable stores of mineral and nonmineral resources that are useful and important to the United States and its people. These resources are the keystone of the nation's economy and essential for production and delivery of our most basic needs--energy, food, water, shelter and manufactured goods. Therefore, the mining industry is deeply concerned that public lands not be foreclosed to mineral exploration and development, but be kept open to responsible multiple-use management.

The United States has suffered a deteriorating position in global minerals trade and is increasingly vulnerable in its dependence on imports. One reason that the domestic minerals industry finds it difficult to compete in world markets is because of the continuing decrease in availability of federal lands for exploration and development. Although there may be a good reason in some instances to reserve certain public lands for an exclusive purpose, we believe that much of this land could and should serve multiple uses, including mining. In stating this, we are mindful that mining can only take place where deposits are found and the public lands offer as yet unexplored mineral potential.

President Reagan has called for the most productive use of all federal lands for mineral development. In his National Materials and Minerals Program Plan and Report to Congress in April 1982, the President recognized "the critical role of minerals to our economy, national defense, and standard of living" and "the need to keep the public's land open to appropriate mineral exploration and development." Furthermore, he expressed "deep concern regarding the increasing dependence of the United States and the free world upon foreign sources for strategic and critical minerals," and noted that, "an unknown amount of Federal land is removed from entry by obsolete or otherwise unnecessary withdrawal."

In the entire history of the nation, less than three fourths of one percent of our lands has been disturbed for all types of mineral development, including coal, oil and gas development. Huge acreages are necessary for hardrock exploration, but development of a single major deposit will only occupy a small area. Despite these statistics, millions of acres of mineralized land are set aside as unavailable for exploration.

Because of the dependence of our nation's economy on minerals and the shrinkage of the available mineral land base we are greatly concerned with the huge amount of wilderness and park acreage proposed in S.7. The bill completely ignores the highly significant mineral values that exist in the Desert.

The California Mining and Geology Board has estimated that the wilderness and national parks acreage proposed in S.7 would remove approximately 10.4 million acres, or 7.4 percent of the land area of California, from future mineral exploration and development. In addition, the language in the bill on the administration of these areas "subject to valid existing rights" is not clearly defined and does not necessarily provide for exploration or development of claims held by mining companies in the Desert.

California has been the leading state in the production of nonfuel mineral resources since 1981. According to U.S. Bureau of Mines statistics, in 1986 approximately $1.1 billion of the $2.3 billion California nonfuel mineral commodities came from production within the California Desert. At the present time approximately 55% of the unpatented mining claims of record for locatable minerals in California, some 80,000, are located within the California Desert Conservation Area. Over 1200 mining related proposals have been submitted for review to the Bureau of Land Management since 1980. The California Desert Protection Act's severe constraints on further mineral exploration and development will, therefore, have a definite impact on California's future economy and development and limit employment opportunities and tax revenues.

It has been argued that no mineral potential presently exists in this area because the area has been prospected for over a hundred years and either no mines exist or old mines have been abandoned. Nothing could be further from the truth. The California Desert is considered one of the most highly mineralized areas of the United States. There are very significant known reserves in this area and the geologic character of the Desert indicates a high level of mineral potential. Most of the Desert has not yet been extensively explored for minerals because it has not been technologically or economically feasible to do so.

Discovery of a valuable mineral deposit has often been described as "looking for a needle in a haystack." It is an extremely time-consuming and expensive proposition to prove a discovery and put a mine into production. The technology needed to explore for these minerals and the development of uses for these minerals are constantly changing. It is anticipated that new exploration tools and more intensive surveys of the Desert will lead to many new discoveries.

There are 65 mineral commodities known to exist in the California Desert. Forty-five of these are currently mined and 27 are considered strategic and critical to the United States. Strategic minerals are defined as essential for national defense and critical minerals are essential to U.S. needs. The minerals currently mined in the Desert include 97 percent of the nation's rare earths, 100 percent of the borates, 15 percent of the talc, 10 percent of the crude gypsum, and 6 percent of the metallic minerals. There is also considerable exploration activity and production of geothermal energy resources within the Desert and significant gold reserves.

Rare earths are used in superconductor applications, in computers, x-rays, magnets, alloys, and fluorescent lamps. The cement and gypsum mined in the California Desert are used extensively in the greater Los Angeles and Southern California areas. Specialty clays from the Desert area are used in sewer filtration systems, chemical refining, ceramics, drill needs, and specialized chemical research.

An example of how economics plays a major role in mineral development can be seen by the effect of rising gold prices on gold exploration activity in the Desert area. Gold production in the region has grown from 5,000 ounces in 1981 to more than 200,000 ounces in 1986. It is expected that new gold mines currently being developed will increase these levels to 255,000 ounces in 1987 and 305,000 ounces in 1988.

By Congressional mandate, the California Desert is currently being managed by the Bureau of Land Management (BLM) under the California Desert Plan. This plan was carefully developed over a four-year period with extensive public participation. The mining industry was actively involved in the development of the plan along with many other Desert users. S.7 ignores the results of this planning process.

The California Desert Plan proposes approximately 2 million acres for wilderness designation, rather than the 8.8 million acres of wilderness proposed by S.7. California presently has approximately 6.3 million acres of Congressionally designated wilderness. With the two million acres of land proposed for wilderness by the BLM plan, the state would have 8.3 million acres of wilderness. Approximately 10% of the state would therefore be permanently preserved in the National Wilderness System. The remaining 10 million acres of public lands managed by BLM in the California Desert Conservation Area would be designated for multiple uses. The plan's proposed wilderness areas are currently undergoing the final study process directed by Congress, which requires mineral surveys by the U.S. Geological Survey and the Bureau of Mines.

Preparation of the California Desert Plan by the BLM involved extensive data collection and analysis, dozens of public hearings and more than 40,000 public comments. It was approved by two Secretaries of the Interior. It is a compromise that was carefully designed to balance the needs of preservation and desert users. S.7 undermines the tremendous amount of work and effort that was expended in developing the plan.

AMC is committed to fostering a domestic mining industry capable of fulfilling national requirements and minimizing the risks of undue dependence upon foreign sources of supply. We strongly believe that public lands can be managed for multiple use, including mining, to provide a balance of environmental responsibility and economic results. We urge the Subcommittee during its deliberations on S.7 to appreciate the need to provide for exploration, identification and development of mineral deposits within the framework of responsible multiple-use management.

AMC appreciates this opportunity to present its views on S.7.

JUL 27 REC'D

Sierra Aggregate Company

July 23, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Senate Energy and Natural Resources Committee
U. S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

BILL: S.7, Cranston, California Desert Protection Act

POSITION: OPPOSE

Dear Senator Bumpers:

I would like to begin this letter with a request that it be encluded in the Congressional Hearings on S.7 and that it be on record.

We have two Volcanic Cinder Mines, one is located in Mono County, California and recently made a part of the Mono Basin National Forest Scenic Area. We saw first hand how property values went down and local business was adversely affected. Forest Service expenditures have climbed and are only in the beginning stages. Local people have scrambled to exchange their devalued property for Forest Service property elsewhere. Our cinders are used in Mono County for the de-icing of Highways in the winter, a low cost method used by Caltrans. What is our future? Congressman Richard Lehman assured everyone that they would not be affected by the new Scenic Area designation. This brings us to Senator Cranston. Our second Volcanic Cinder Mine is located in the proposed California Desert Protection Act. When will the environmentalist thirst be quenched? We have been in harmony with the Bureau of Land Management. We have done our "Reclamation Plan" and our "Plan of Operations" to name a few. All regulation is at great time and expense to the Mining community. The current California Desert Plan has already cost tax payers $8 million and works well for all envolved.

Finally, our volcanic cinders are sold primarily to the Southern California market for lightweight concrete blocks, landscaping, soil amendments for horticultural Nurserys, to name a few uses. There are three Volcanic Cinder mines in Southern California, as near as we can tell, they are all in the proposed California Desert Protection Act.

LIGHTWEIGHT AGGREGATE
2239 SUNRISE DRIVE • BISHOP, CA 93514
(619) 872-1431

Page 2
Opposition: S.7, Cranston
By: Sierra Aggregate Company, Inc.
Bishop, California

The block industry especially relys on cinders and we do support many people with jobs, payed taxes and an affordable lightweight aggregate. Again we ask, what is our future? If the California Desert Protection Act is passed will our permits be renewed? That has not been the track record.

Very truly yours,

Janis Jolly

Donald G. & Janis M. Jolly
SIERRA AGGREGATE COMPANY, INC.
OWNERS

LAW OFFICES
HANNA, GASPAR, OSBORNE & BIRKEL
SUITE 200
2626 PENNSYLVANIA AVENUE, N. W.
WASHINGTON, D. C. 20037

WALTER G. BIRKEL
RUSSELL J. GASPAR
RAY L. HANNA
WOODLEY B. OSBORNE

OF COUNSEL
MORRIS H. DEUTSCH
MARIO G. R. ORIANI-AMBROSINI*

*CONSULTANT IN ITALIAN & INTERNATIONAL LAW

(202) 333-1336
TELEX 897166 HGOBLAW WASH

FRANKFURT, GERMANY OFFICE
EDWARD J. BELLEN OF COUNSEL
6 FRANKFURT AM MAIN
AM SALZHAUS 4
WEST GERMANY
(0611)281647/48

July 23, 1987

Thomas B. Williams
Professional Staff Member
Subcommittee on Public Lands, National
Parks and Forests
Senate Committee on Energy and
Natural Resources
308 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Williams:

Enclosed please find six copies of testimony submitted by the American Horse Protection Association and three endorsing organizations concerning S. 7, Senator Cranston's bill to protect the California desert public lands. We would appreciate it if they could be included in the Subcommittee's hearing record.

Please do not hesitate to call me if I can provide you with any additional information. Thank you for considering our views.

Very truly yours

Russell J. Gaspar
Attorney for American Horse
Protection Association, Inc.

On Behalf of:

American Humane Association
Animal Protection Institute
Humane Society of the
United States

SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
Subcommittee on Public Lands, Natural Parks and Forests

STATEMENT OF THE AMERICAN HORSE PROTECTION ASSOCIATION, INC., CONCERNING S.7

The American Horse Protection Association, Inc., appreciates this opportunity to express its views concerning S. 7, a bill to provide for the protection of the public lands in the California desert. Its statement is endorsed by, and is made on behalf of, the American Humane Association, the Animal Protection Institute, and the Humane Society of the United States.

AHPA is a non-profit national humane society dedicated to the welfare of horses and other equines. One of its principal interests has been the protection and preservation of the wild, free-roaming horses and burros which inhabit the public lands in the West. Similarly, the endorsing organizations are all national humane societies which have a substantial interest in wild horse and burro protection.

In part, S. 7 would transfer certain lands in the California desert from the jurisdiction of the Bureau of Land Management to the National Park Service for inclusion in newly-designated national parks. Within those lands, in whole or part, are approximately ten wild horse and/or burro herd management areas (HMAs) that have been identified and established for management purposes by the Bureau. The HMAs wholly within the lands proposed for transfer are Cima Dome, Clark Mountain, Lava Beds, Waucoba/Hunter and Woods/Hadberry, which currently have a population of 531 burros and 6 horses. Two other areas, Chicago Valley and Lee Flats, which have 58 burros and 28 horses, are located in part within lands proposed for transfer. Finally, in the lands to be transferred are three additional HMAs that have been identified by the Bureau, but which currently do not have animals in them.

The transfer of the lands in which these HMAs are located to the jurisdiction of the National Park Service would have the effect of eliminating them, and the animals that inhabit them. Park Service policy traditionally has been opposed to the presence of wild horses and burros within the Park system, on the theory that they are "non-native" species that cannot be protected consistent with the NPS statutory mandates. Apparently for that reason, Park Service lands were exempted from the protections extended to wild horses and burros by Pub. L. No. 92-195, the Wild, Free-Roaming Horses and Burros Act. As a result of NPS policy, wild burros and horses have systematically been eliminated from parklands since the mid-1970s.

S. 7 contains numerous references to the natural, historical and cultural values of the lands in question -- considerations that also led Congress to extend Federal protection to wild horses and burros in 1971. In fact, popular concepts about Death Valley and its environs invariably associate the area with horses and burros or their offspring, the mule. The Association believes that it would be inappropriate to eliminate already established herd management areas, and the hundreds of animals that inhabit them, simply because jurisdiction over the lands on which they are found has been transferred from the BLM to the Park Service.

Accordingly, the Association and the endorsing organizations recommend that the bill be amended to continue the protections of the Wild Horse Act for those animals currently on BLM lands that would be transferred to the Park Service. Existing herd area management plans should remain in effect; if plans have not been written for some of the areas, they should be developed. Finally, the Park Service should be obliged to protect and preserve at least the number of animals identified in the management plans, and to consider whether animals can be introduced to those herd areas that have been identified by the Bureau, but which do not currently have any animals in them.

The Association and the endorsing organizations respectfully propose the following amendatory language:

> "WILD HORSES AND BURROS
>
> "SEC. 606. All lands which are transferred from the administrative jurisdiction of the Bureau of Land Management to the Director of the National Park Service pursuant to this Act, and on which herd management areas for wild, free-roaming horses and burros have been identified in whole or part, shall remain subject to the provisions of the Wild, Free-Roaming Horses and Burros Act (85 Stat. 649, as amended, 16 U.S.C. §§1331 *et seq.*). The Secretary of the Interior shall protect and manage the wild, free-roaming horses and burros on those lands pursuant to the authorizations and

directions set forth in the Wild Horse Act. In exercising this authority, the Secretary shall maintain herd management areas currently established by the Bureau of Land Management, and shall, at a minimum, protect and preserve the horse and burro populations established by the Bureau as appropriate management levels. The Secretary shall further consider whether wild, free-roaming horses and/or burros shall be permitted to re-inhabit any herd management area established by the Bureau, but in which wild horses or burros do not currently exist."

The Association and the endorsing organization appreciate the Subcommittee's consideration of their views, and would be happy to provide the Subcommittee with any additional information it may need.

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

July 23, 1987

The Honorable Dale Bumpers
Chairman
Subcommittee on Public Lands,
National Parks and Forests
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Bumpers:

The National Rifle Association of America respectfully submits the enclosed statement and requests that it be placed in the hearing record of July 23, 1987, on S. 7, the California Desert Protection Act.

The NRA strongly opposes S. 7, which if enacted, would negatively impact millions of hunters, sportsmen and outdoor enthusiasts.

Sincerely,

James Jay Baker

James Jay Baker
Director
Governmental Affairs

Enclosure

STATEMENT OF THE NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION

JAMES JAY BAKER
DIRECTOR
GOVERNMENTAL AFFAIRS

ON
LEGISLATION TO PROVIDE FOR THE PROTECTION
OF PUBLIC LANDS IN THE CALIFORNIA DESERT
S. 7

BEFORE THE
U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

JULY 23, 1987

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

STATEMENT OF JAMES JAY BAKER, DIRECTOR, GOVERNMENTAL AFFAIRS INSTITUTE FOR LEGISLATIVE ACTION, NRA ON S. 7, THE CALIFORNIA DESERT PROTECTION ACT

Mr. Chairman, the National Rifle Association, composed of millions of members who are sportsmen and hunters strongly opposes S. 7, the California Desert Protection Act, the subject of today's hearing. Our members believe the legislation is inappropriate, ill conceived and contrary to the best interests of those who use the desert for multiple uses or who reside in the desert.

Although the author of the legislation, Senator Alan Cranston, stated that hunting would not be affected by S. 7, a closer look shows that in fact S. 7 proposes to ban and severely restrict hunting and other recreational activities in the 12.5 million acres of California desert, lands currently managed by the Bureau of Lands Management as a result of a 1976 Congressional directive ordering the agency to implement a temporary plan for the constructive use of the desert until it can submit a final and more extensive recommendation, due in 1991.

Senator Cranston's bill would circumvent the study process set forth by Congress by having the law passed before BLM could make a formal recommendation. Currently, BLM administers the 12.5 million acres by a generous multiple use philosophy that attempts to be fair to hunters, miners, cattlemen, recreational vehicle users and all others.

Under S. 7, 3.2 million acres would be turned into National Parks -- no hunting allowed. Approximately 4.3 million acres would be designated as wilderness, limiting hunter access to horseback and foot. Included in the proposed wilderness designation would be 1.5 million acres that are currently rated "excellent" to "good" for hunting.

Mr. Chairman, from a hunting perspective, it is clear to see why our members are concerned. If enacted, S. 7, would be a significant loss not only to hunters and sportsmen but all other multiple users.

The plan that is now enforced in the California desert was formulated through hundreds of public meetings and some 40,000 comments at a cost of $8 million. For the past six years public land users and local governments have supported this plan which represents a balance among all the many competing users of the California desert.

By all accounts BLM has done a commendable, even heroic job of ameliorating conflicts in putting the 1976 Congressionally mandated California Desert Conservation Area Plan to work. Now, it appears that Senator Cranston and his supporters want to disrupt this balance. Having not gotten what they wanted when the plan was enforced, they are now attempting to circumvent the prescribed procedure.

Mr. Chairman, it is important to keep in mind that merely proposing an area for a wilderness designation study works strongly to the disadvantage of hunting groups, because as soon as an area is suggested for a wilderness designation it is treated like one until a study can be made and a Congressional vote taken, which often takes years.

But, under the current plan the public has an excellent opportunity to influence policy concerning wilderness designations. And, permitting the taxpayers to make the final decision on how the land is ultimately managed should be an agreeable goal.

In light of the recommendations slated to be made in the upcoming four years concerning wilderness designations, the National Rifle Association Board of Directors adopted the following resolution at the NRA's Annual Meeting in April:

WHEREAS, Lawful hunting has been significantly curtailed by certain unreasonable regulations adopted as a result of the expansion of the National Wilderness System and National Park System; and

WHEREAS, These arbitrary and capricious regulations in fact do not promote the interests of wildlife conservation or the responsible public enjoyment of wilderness lands, contrary to the intent of Congress; and

WHEREAS, The National Rifle Association of America in fulfillment of its purposes to promote hunting and the conservation and wise use of our renewable wildlife resources has become increasingly concerned with this abridgment of the rights of law abiding citizens; now, therefore, be it

RESOLVED, That the National Rifle Association of America opposes any further expansion of the National Wilderness System and National Park System and implementing regulations that do not adequately recognize and preserve existing hunting access and opportunities, and, be it further

RESOLVED, That the National Rifle Association of America supports the restoration of hunting access and sound wildlife management practices in such areas where they have been improperly curtailed.

Mr. Chairman, in light of the massive push by anti-hunting groups to influence these management decisions, the NRA intends to closely review each proposed wilderness designation to make sure they protect the American hunter and our American hunting tradition. The NRA is not anti-wilderness, but we do not intend to sacrifice our traditional hunting heritage to wilderness.

In conclusion, Mr. Chairman, and members of the Subcommittee, I thank you for the opportunity to present the views of millions of NRA members who oppose the legislation proposed here today, S. 7. We want to make it easy for hunters to hunt. They are the ones that have for the past 50 years, under the Pittman-Robertson Act, contributed millions of dollars each year for good wildlife management programs. The hunters keep our wildlife populations thriving and their habitats intact. It is absolutely vital that S. 7 be opposed by the Subcommittee.

xxx

July 22, 1987

Senator Dale Bumpers
Chairman on Subcommittee
on Public Lands, Nat'l Parks & Forest
308 Senate Dirksen Office Bldg
Washington,D.C. 20510

IN REF TO SENATE BILL S7 WE ASK THIS LETTER BE RECORDED:

As long time residents of a rural Nevada/California border town we strongly oppose, Senate Bill S7. Up until recently we derived our living from the mining industry in the California desert. Over the years we have watched the Federal Government take in more land and implement more restrictions, making it impossible to the mining and ranching industry to survive.

It is now time to stop taking and start giving. Let the ranchers and miners be and let the Desert be a contribution to society and not a burden to society. Mother nature annual rain storms do more damage to the country than any man or machine ever has.

We respectfully submit this letter in hopes you will give it great consideration and keep the Desert the land of the free.

Sincerely,

Mr & Mrs Morgan Lynn

Morgan Lynn & Anita Lynn
Rt 15, Box 565
Amargosa, NV 89020
702) 372-5308

Written Testimony

submitted to the

Subcommittee on Public Land, National Parks and Forests

of the

Senate Committee on Energy and Natural Resources

by

Yvonne A. Katzenstein
Chair
San Gorgonio Chapter of the Sierra Club

July 23, 1987

I am a fourth generation Californian. I was born in and grew up exploring the California Desert. I have travelled this desert by car and on foot, and through the words of naturalists and poets. My earliest memories are of this land.

I wish to voice strong support for Senate Bill S.7--the Cranston Desert Protection Act. I have strong attachments to many of the lands to be protected by this Bill. The geographic boundaries of my local chapter of the Sierra Club encompasses both San Bernardino and Riverside Counties in California and thus the majority of the lands offered wilderness protection by this Bill.

Specifically, I wish now to address the formation of Joshua Tree National Park. Joshua Tree's wide vistas, varied terrain, plants and wildlife have shaped my love of the natural world. It was here that I recently traveled in the early hours of the morning to view Halley's Comet. It is here that I have often driven for respite after a long day of work. Its peace and solitude are invaluable to me.

However, the hectic, urban world whihc I seek refuge from is beginning to follow me to my wilderness, especially to Joshua Tree. The spread of urban Southern California is beginning to impact the desert. More and more people commute further and further to work in order to live in the 'country.' They are seeking open spaces, the promise of 'The West', and increasingly they find them in the deserts to the east of the metropolitan areas. More and more people have discovered the recreational and aesthetic values of the California Desert. But that which they seek, they are beginning to destroy, and now threaten the fragile and wild regions which I hold most dear.

The rate of change in my world is astounding. I live in one of the more rapidly growing counties in the United States. A city of 65,000 has sprung up virtually overnight on the edge of the desert about 40 miles from Joshua Tree. The area surrounding Joshua Tree is itself showing signs of rapid growth. Until recently, I would revisit the house of my childhood in 29 Palms (to the north of Joshua Tree). It was easy to find it in the center of town. Now it is lost in a seeming maze of stop lights and businesses. Those communities which were once distinct and seperate spots along the highway north of Joshua Tree now blur together into a smear of development. And the smear is turning into a smudge that (together with the developing areas of the Coachella Valley) reach out towards the wilderness of Joshua Tree. I fear for that special piece of the world.

Protection is needed urgently for this land. The viewpoints on how to offer this protection are varied. Some argue for an increased budget for the Bureau of Land Management for additional surveillance personnel. Others know, as I do, that this land must receive the protection which it rightly deserves--the recognition by Congress that it is a natural treasure, and that it be so recognized with designation as a National Park.

Why should Joshua Tree National Park be enacted by Congress? It is simple--the beauty of this wilderness is extraordinary, it deserves National Park status. I have travelled to two world renowned wildernesses--the Galapagos Islands and the lands of Alaska. They are beautiful; they are also extraordinary. However, the grandeur found in the mountain ranges and valleys, the bajadas, and plants and wildlife of Joshua Tree are equal to theirs. My argument for the preservation of this land as National Park is the enate beauty of the wilderness itself.

All of the lands proposed for inclusion in this park are needed to preserve the aesthetic integrity of the whole. It is hard to draw lines when it comes to designating lands for inclusion in a desert national park. Someone who grew up exploring the desert wants it all--the wide vistas which stretch for 100 miles without the visible imprint of man, the freedom to roam by car or foot for miles in solitude, the chance to see many desert tortoises. But those days are numbered for the desert as a whole. The days which face us now unfortunately consist of line-drawing to select the best lands for wilderness preservation.

So to best preserve Joshua Tree as a National Park which lines need to be drawn? I argue for those proposed in the Bill. They are lands originally included in designation of Joshua Tree National Monument in 1936. They Park would encompass the present Monument plus the rest of mountain ranges to the east and southeast borders of the current Monument. These ranges--the Coxcomb, the Eagle, the Pinto and the Little San Bernardino--are currently only partially covered by the Monument. These ranges are an integral part of Joshua Tree's ecological boundaries--to establish them within the Park would require the inclusion of approximately 245,000 acres currently under BLM management.

Those of us who love this land want to share it. But, not just the land as defined by lines drawn on a map, but the land as it holds that irreplacable quality of wilderness--a quality which quickly is becoming rare. And to be shared, this wilderness must be preserved by the strongest protection available to the national lands--the designation of this land as Joshua Tree National Park as defined by Senate Bill S.7. To do other would not provide this wilderness adequate protection.

THE VOICE OF ORGANIZED SPORTSMEN

Southern Council of Conservation Clubs, Inc.

"IN UNITY THERE IS STRENGTH"

815 Rim Road
Pasadena, Ca. 91107

July 20, 1987

The Honorable Dale Bumpers
U.S. Senate
Washington, D.C. 20510

Dear Senator Bumpers:

This letter is to express the stand of three active Conservation organizations in California on Senate Bill S-7, the California Desert legislation introduced by Senator Cranston.

We oppose S-7. This is not a Conservationist's bill, as Senator Cranston has described it; it is a Preservationist's bill. And this attempt to "preserve" the desert will actually be anti-conservation and anti-recreation in its effects on the desert and it's users.

The California Wildlife Federation, the Society for the Conservation of Bighorn Sheep, and the Southern Council of Conservation Clubs are composed of sportsmen's clubs and of concerned individuals who value the multiple-use recreational opportunities which the desert offers, and who want the desert to be conserved and managed so that it will offer these same opportunities to succeeding generations of citizens.

These organizations and volunteers from their ranks have contributed millions of dollars and millions of man-hours of volunteer labor to help construct over fifty major "water for wildlife" installations in the california desert. These were cooperative projects with the California Department of Fish and Game and the Bureau of Land Management. By placing these water supplies in selected areas, the total quality of the habitat has been improved and the wildlife carrying capacity has been greatly increased.

A spectacular example of the results of these Conservatiion efforts can be seen in the Old Dad Mtn. range, just south of the town of Baker. After one. and then four more, watering facilities were constructed a few miles apart in this range, the Bighorn Sheep population rose from about 25 to about 300 animals, over a period of about six years. And during this period the Department of Fish and Game took three transplant groups of fifteen to twenty animals each from the range to start new populations in presently "vacant" habitat in historic Bighorn Sheep range. Note,too, that local populations of other wildlife (quail, doves, chukkar, rabbits, bobcat, raptors, etc.) also benefitted from the increased water supply.

This is what we call constructive Conservation work, and we are proud to have played a big part in this past and ongoing program. There is no indication that Senator Cranston and his Protectionist friends have any intention of adopting or continuing these Conservation efforts; we do not see them working out in the desert now, and we do not anticipate seeing them out there in the future.

Senator Cranston's bill, S-7, would create over 8.8 million acres of new Wilderness and 5.7 million acres of National Park in the California Desert. Statutory restrictions on activities allowed within Wilderness and current management policy for Parks would not allow placement of any new "water for wildlife" facilities in the new Wilderness and Parks, or would make it impossibly difficult. These constraints would also make more difficult or impossible access to and repair work on existing installations. In fact, current law and policy would require that many of our existing installations be destroyed and removed.

We would not like to see our past work and the existing installations destroyed directly, or by attrition. We would not like to be denied the opportunity to make new water installations, and thus to further improve the quality of the wildlife habitat in the desert, or to engage in other Conservation projects in our desert.

Our members presently engage in a wide variety of recreational activities in the desert. These activities are managed by the Bureau of Land Management, under the California Desert Plan, which was developed at the request of Congress during the late 1970's. The Plan allows multiple-use activities, in the areas that are appropriate, and to the extent that each activity is compatible with other activities by other people and with the capacity of the land, vegetation, etc. to withstand the use; i.e., the conservation of the basic resource. We think that this is a good system; it allows a large number of people to engage in a wide variety of activities, and it conserves the basic resource so that future generations will have the same opportunities.

We are confident that the Bureau of Land Management can manage the recreational and other uses of the California Desert and conserve our desert resources for the future under the current California Desert Plan, and as the Plan evolves as a result of continuing reviews.

Large-scale transferral of land from Multiple-Use status to Wilderness and National Park status would disrupt and displace many existing recreational activities. The concentration of these recreational activities in the remaining Multiple-Use area will decrease the quality of the outdoor recreational experience available to all.

Other concerns associated with a sudden large increase in Wilderness and National Park area in the California Desert are:

1. The need to carry water will limit the distance that a hiker can safely venture from his trailhead water supply. In order to distribute hiking use in desert Wilderness, there must be vehicular entry to many well-distributed trailheads around or within the Wilderness area. This will require specific congressional approval.

2. National Parks prohibit hunting anywhere within their boundaries. A large Park will usually have remote areas where hunting would be a reasonable activity, but will not be allowed. This represents an unnecessary reduction in the recreational potential of the desert.

3. National Parks have a history of trying to coerce adjacent land owners to configure their land use as a buffer zone for the Park. Thus, Park restrictions may extend well beyond the real boundaries of the Park, and there will be additional loss of multiple-use recreational activity for the public.

4. Access to and use of surrounded and adjacent private lands will be severely impacted, adversely affecting these landowners, and creating administrative and legal problems for the managers of the Wilderness and Parks.

The Bureau of Land Management is currently (as was directed by the Congress) reviewing it's California Desert lands to determine if any new Wilderness should be created. Recommendations for new Wilderness are scheduled to be submitted to the Congress in 1988. Current indications are that the BLM-recommended Wilderness will encompass considerably less acreage than does the Cranston proposal.

We earnestly ask that you take no action on the Cranston Desert Bill (S-7) at this time, and that you wait until the BLM study is completed and the BLM recommendations are presented (according to the schedule mandated by the Congress) before you consider any bill establishing new Wilderness or National Parks in the California Desert.

In the mean time, we will be working with the Bureau of Land Management to assure that any Wilderness recommendation which they make has specific provisions to allow for the retention and maintenance of existing water developments, and for the other conservation and habitat-enhancement projects which may be appropriate in the future.

Sincerely,

Walter B Powell

Walter B. Powell

For the: Southern Council of Conservation Clubs
Society for the Conservation of Bighorn Sheep
California Wildlife Federation

STATEMENT OF GRAY DAVIS
CONTROLLER OF THE STATE OF CALIFORNIA
ON THE CALIFORNIA DESERT PROTECTION ACT

Before the

Subcommittee on Public Lands and National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

July 21, 1987

The establishment of the National Parks system is one of the most important achievements in our nation's history. Last year alone, more than 350 million visitors enjoyed the majestic beauty and grandeur of our national parks like Yellowstone, Yosemite and the Grand Canyon.

Today all of us recognize the wisdom of previous generations in setting aside a portion of this nation's most beautiful and environmentally valuable wild lands. It falls to our generation, to expand this legacy by recognizing that California's deserts represent equally valuable environmental treasures for our children and grandchildren.

The California desert is a remarkable natural resource and vigorous efforts need to be made to protect it for future generations. The California Desert Protection Act, authored by Senator Alan Cranston, will strengthen and expand the federal government's efforts to protect the desert while preserving hundreds of thousands of acres of public lands for such uses as hunting, mining, grazing and motorized recreation.

The Desert Protection Act would stop the ever-increasing degradation of unique desert lands in California which contain an incredible 600 foot-high sand dune system and limestone caves. These lands support 700 species of plants, including 25 rare and endangered species and the world's largest Joshua Tree forest, as well as the Golden Eagle, Big Horn Sheep and the Desert Tortoise.

The destruction of these fragile habitats and wildlife species is forever. With the Desert Protection Act we can have a middle ground; accommodating the pleasures of all the people who love and enjoy the desert now, while providing protection for truly unique creatures and geological formations for years to come.

As a member of the State Lands Commission in California, I am entrusted with ensuring that the interests of all Californians are protected and we have a unique ability to help preserve and protect these cherished natural resources so that they can be enjoyed by future generations. That's why I am proud to join my colleague on the Lands Commission, Lt. Governor Leo McCarthy, in urging the committee for its support and recognition of our responsibility to preserve national treasures for future generations.

Thank You.

WESTERN MINING COUNCIL

SAN DIEGO - IMPERIAL COUNTY CHAPTER
9255 Magnolia, Space 265
Santee, California 92071

Senator Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Senate Energy and Natural Resources Committee
U.S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

RE: S-7, The California Desert Protection Act of 1987

Dear Senator Bumpers:

I request that this letter of opposition to S-7 be included in the hearing record. It is the opinion of the San Diego-Imperial County Chapter of the WMC that there are still significant undiscovered mineral deposits in the desert areas affected by S-7. An example is the Mesquite gold deposit, recently placed into production of over 100,000 troy ounces of gold per year by the Goldfields Company. This deposit brings significant new wealth out of an area which, if previous published reports were taken at face value, would have doubtless been earmarked for closure under S-7. Instead, this mine has made a positive impact on the economy of Imperial County, which is facing many of the present hardships of a largely agricultural area.

As prospectors, geologists and miners we well know that it takes a lot of time and hard work to locate a valuable mineral deposit, then evaluate the feasibility of a mining operation. Provisions of the 1872 mining law, the supply and demand of the marketplace, and an abundance of multiple-use Public Lands coupled with the incentive of a free people have always yeilded a living standard for mining next to none in the world. Education and enforcement of existing regulations would allow modern prospecting and reclamation techniques to continue to provide taxable income to desert communities.

The Desert Protection Act may indeed protect the land, but not our heritage! A consequence of such legislation may be a continuation of an already serious shift of mining operations into foreign countries where the lack of environmental regulations and practices will simply add to, and probably increase , pollution problems on the large scale. Our heritage is the American 'can do' ethic of practical and responsible development of 'our' resources within the framework of existing regulations.

Therefore, why not thoroughly check all the aspects of this situation rather than lock them away forever with S-7 ?

Sincerely,

David Paquin

David L. Paquin
President, San Diego-Imperial County Chapter
WESTERN MINING COUNCIL, INC.

FTR

Brubaker-Mann, INC.
NATURAL COLORED CRUSHED ROCK

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LARGE SELECTION OF NATURAL COLORS

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OFFICERS

President
William J. Mann

V.P. of Administration
Julie Mann Rohn

V.P. of Operations
Jennifer Henderson

Secretary and
Chief Financial Officer
Dorothy E. Mann

July 10, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Senate Energy and Natural Resources Committee
U.S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

BILL: S. 7, California Desert Protection Act

POSITION: OPPOSE

Dear Senator Bumpers:

I would like to request that this letter of opposition be included in the hearing record. Brubaker-Mann Inc. is a specialty rock company which mines and mills naturally colored rock for roofing and landscaping. The reason our company is located in the California desert is because that is where the large variety of colored rock is found. We cannot move to another state if we are shut out of the California desert because the minerals are not located elsewhere.

We operate another company called R.D.M. Minerals, Inc. which deals in talc. In the United States, talc is found mainly along the Appalachian axis from Canada to South Carolina, and in irregular bodies in the folded rocks in the west. Most

deposits in the U.S. have small amounts of fibers such as asbestos and tremolite and traces of arsenic, and therefore cannot be used in the manufacture of cosmetics. We know of only two deposits in the U.S. which have fiber-free talc: one in Montana, and the other in the Saline Valley where we buy all of our material. The Saline Valley is to be included in the expanded Death Valley National Park which would eventually shut this operation down.

We gross approximately 1.2 million dollars per year from the colored rock business and approximately $250,000.00 per year from the talc business. These companies directly support 20 families and contribute to the support of many others who provide the trucking and other related services.

Last year Brubaker-Mann Inc. paid $51,804.00 in federal income taxes and $25,261.00 in state income taxes. R.D.M. Minerals paid $2,855.00 in federal income taxes and $2,024.00 in state income taxes. This does not include excise taxes, social security contributions, unemployment contributions or any other tax. The trickle-down effect is unknown but we have over 50 major distributors of our products in California, Nevada, and Arizona, and a major customer in Mexico.

No one with any intelligence should be fooled by the promise that this bill will not effect mining. It is the environmentalist goal to stop mining and they have included

a provision in the bill to invalidate existing mining claims.

Every civic, county, state, and federal representative from this area and the vast majority of the population is opposed to this ruinous bill. Having been born and raised here, the California desert is very dear to me. The current multiple-use system is a masterpiece in balancing use and protection. Please do not change it.

Sincerely,

Julie Mann Rohn

Julie Mann Rohn
V.P. of Administration

JMR:jr

Page 1 of 6
R. Cates
July 16, 1987

Public Lands Subcommittee
United States Senate
330 Pennsylvania Ave SE
Washington, D.C. 20003

TESTIMONY REGARDING SENATE BILL 7

I appreciate this opportunity to enter testimony into the Committee records with respect to Senate Bill 7, also known as the "California Desert Protection Bill". Although I feel qualified to testify in virtually all aspects of the bill, I will limit my comments to only those facets touching upon Joshua Tree National Monument, which I consider my particular area of expertise.

As Attachment #1, a copy of my book Joshua Tree National Monument, A Visitor's Guide, indicates, I have spent considerable time and energy in researching both the natural and human history of this particular unit of the National Park system. A measure of my success may be gathered by the facts that the book has sold very well at the Monument visitor centers since its initial publication, and that the contents are often used as training material for incoming Park Service Staff.

The provisions of SB7 would convert the Monument to full National Park status, and make some badly needed adjustments to the park boundaries. I strongly favor both provisions.

The California desert has been overlooked with respect to its high quality parkland for too long, and SB 7 would rectify this oversight. I hope that my book, combined with corroborative testimony from other experts, will convince the Committee that Joshua Tree National Monument qualifies in all respects to be reclassified as a National Park.

Whether true or not, most of the public classifies National Monuments as somehow second rate, and funding and public attention tends to follow this same pattern. Thus we see the more well-heeled "Park" units in California, such as Yosemite and Sequoia, staffed with one or more Park scientist(s) as well as numbers of back-country rangers, neither of which has been accorded to Joshua Tree National Monument.

While I have always received the most cordial and professional cooperation of Superintendent Rick Anderson and his staff, it is my opinion that the park is a backwater of the National Park system, and is managed accordingly. A larger and/or more professional staff, as well as the heightened public attention associated with National Park status will lead to improved management of this great preserve.

The second provision of SB 7 touching upon Joshua Tree National Monument concerns expanding the boundaries to include the superb wilderness of the Coxcomb and Eagle mountains, and to make badly needed boundary adjustments incorporating more natural alignments.

The idea of a much larger preserve than is presently set aside in the Monument is not new. The original proposal by Mrs. Hoyt and other park supporters in the 1930's requested boundaries that would have extended east clear to the Colorado River, encompassing over 1,000,000 acres. President Roosevelt's original public lands withdrawal for park consideration in 1936 did in fact follow this recommendation, with a total area of 1,136,000 acres being set aside. Many considerations, including powerful lobbying by local mining interests, and the trading away of 289,000 acres in return for funding to buy out private inholdings enacted by the Phillips Bill in 1950, have resulted in a Joshua Tree National Monument only one-half of its original proposed size.

Were SB 7 my own creation, I would have asked to return to the original proposed boundaries all the way east to the Colorado River. So the proposed additions to the Monument contained in the bill are really quite modest.

The expansion to the east would bring in all of the Coxcomb Mountains, a truly pristine, remote, and spectacular area. Bighorn sheep inhabit these craggy mountains, making use of a water guzzler maintained by the Park Service in that part of the range already within the Monument boundary. I would add that historically the Coxcombs have been virtually untouched by the hand of man due in part to the complete lack of significant mineralization. This is an important and stark contrast to the fate of many of the surrounding mountain ranges pockmarked and scarred by seekers of mineral wealth.

The present Monument boundary through the Coxcombs, arbitrarily following straight-as-an-arrow section lines through some of the most rugged territory in the California desert, is virtually unpatrollable and unrealistic as a management unit. Having personally surveyed the area, I could find no significant human development that would come into conflict with park status for this area.

The southeast park extension into the Eagle Mountains is slightly different, but shares many of the same arguments expressed in the case of the Coxcombs. The western half of the Eagle Mountains already lies within the Monument boundaries. There is no more varied mountainous area within the park than in the Eagles. The Colorado Desert washes up to the feet of these mountains and into furrowed canyons, within two of which is the largest native palm tree population in the Monument. Palm trees quickly give way to other plant communities at higher elevations, culminating in a spectacular juniper-pinyon pine woodland on the highest summits.

Again the Monument border follows the zig-zags of section boundaries through rugged and unpatrollable terrain. The historical reason for this can be traced to the real and imagined mineral wealth contained within the Eagle Mountains. There are many, perhaps thousands of small, unsuccessful prospect diggings within the proposed Monument extension, and one gigantic hole just outside of it. The Kaiser Eagle Mountain Mine extracted a vast amount of iron ore before its shutdown a few years ago. This mine was the only successful producer in all of the Eagles, and its great open pit has left this area unsuitable for any use other than a land fill. The remaining area of the Eagles, although bearing the marks of many small operations, still retains a high degree of natural beauty. To paraphrase Wallace Stegner in supporting the 1964 Wilderness Act, "better to have a wounded wilderness than no wilderness at all."

Again, similar arguments for improving the patrollability, and hence manageability, of the Monument apply to the proposed additions to the south along the base of the Little San Bernardino Mountains, and north into the Gold Park area. Both zones are virtally impossible to patrol in their present configuration. In the case of the former, many canyon mouths open out from the Little San Bernardinos, each one of which seems to have a road leading into it penetrating into wilderness designated portions of the Monument. The erection of substantial barriers to travel in these canyons has been unsuccessful due to the prevalence of powerful winches on 4-wheel drive vehicles and the many isolated locations that allow vandals time and relative secrecy to accomplish their destructive acts. Roads also penetrate the Monument boundary in the Gold Park area. The boundary adjustments proposed in SB 7 would vastly improve the patrollability and management of these areas.

With respect to park extension, my final comment is that this may well be our last chance to "clean-up" the boundary issues facing Joshua Tree National Monument. The growing urban areas of the Palms Springs/Desert Hot Springs communities on the south, and the Yucca Valley/Twentynine Palms area on the north are squeezing the western half of the Monument in a classic pincers movement. It is acknowledged that desirable boundary adjustments are now impossible in some of these areas, and SB 7 has left them alone. The proposed extensions to the park need to be made now while their impact is sufficiently innocuous to be considered feasible.

Robert B. Cates

Robert B. Cates
140 Healy Trail
Chatsworth, CA 91311

Attachments:

#1: Joshua Tree National Monument, A Visitor's Guide. R. Cates. 1984.

FTR

Geothermal Resources International, Inc.

July 21, 1987

BY FEDERAL EXPRESS

The Honorable Dale Bumpers
Chairman
Public Lands and National Parks
and Forests Subcommittee
Room 364
Dirksen Senate Office Building
Washington, D.C. 20510

Re: S.B.7 (Cranston)
California Desert Protection Act of 1987

Dear Senator Bumpers:

We would appreciate it if you would have the attached written testimony placed in the record of the subcommittee's hearings on the captioned proposed bill.

We believe that the bill, as proposed, does not cover a very important national subject - the search for and development of our domestic natural resources.

Very truly yours,

Peter A Hansen

Peter A. Hansen
Vice President - Land

PAH:lg

cc: Senator Alan Cranston
112 Hart
Senate Office Building
Washington, D.C. 20510

Buml

1825 South Grant Street, Suite 900, San Mateo, CA 94402 (415) 349-3232

TESTIMONY OF PETER A. HANSEN
PRESENTED TO THE SUBCOMMITTEE ON PUBLIC LANDS AND NATIONAL PARKS AND FORESTS OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

July 23, 1987

Upon reading the Findings and Policy statements contained in the captioned proposed S.B.7, I find that the values, cited as reasons for the designation of millions of acres in the California Desert as wilderness, are extremely narrow in scope with little or no significance given to the value of the natural resources of the areas.

Consideration of the cited values is already addressed under the comprehensive land use plans called for upon the formation of the California Desert Conservation Area in 1976; such plans to be based upon a multiple use concept. To date, these plans have served the interests of preservationists, as well as those of ranchers and a variety of mineral explorationists and developers.

A categorical exclusion of millions of acres of land from mineral entry and from operations under the mineral laws and the Geothermal Steam Act of 1970 is not justifiable without adequate knowledge of the potential existence of the area's mineral potential. The only definitive method whereby this knowledge can be derived is by on-the-ground examination and exploratory drilling into the subsurface. The scientific methods used to derive these data are constantly changing as we improve our technological capabilities in an effort to discover these natural resources. It is difficult for me to believe that sufficient knowledge has been gathered on all these areas at this time to justify their exclusion from our mineral inventory.

If it is the government's policy and of our country to become more self sufficient and thus to reduce our dependence on foreign sources of natural resources to supply our civilian, industrial and military sectors with the critical and strategic mineral commodities we need, if we want to develop alternative energy resources (i.e., geothermal for electrical generation and direct use purposes) and if we desire to reduce our balance of payments deficits, the mineral and geothermal industry should be given the opportunity to examine these areas before they are put into "cold storage." Such a designation without evaluation would be a very short-sighted approach in meeting the needs of our future generations.

It is our recommendation therefore, that these areas be left open and made available for examination of their mineral potential.

Thank you for the opportunity to comment on this most important issue.

SOUTHWESTERN PORTLAND CEMENT COMPANY

P.O. BOX 937
VICTORVILLE, CALIFORNIA 92392-0623
(619) 245-1681

July 17, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands,
National Parks and Forests
Senate Energy and Natural Resources Committee
U. S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

BILL: S.7, California Desert Protection Act

POSITION: OPPOSE

Dear Senator Bumpers:

Southwestern Portland Cement Company wants to go on record as strongly opposing S.7, the California Desert Protection Act.

In preference, we support the California Desert Conservation Area adopted in 1976 by Congress as Section 601 of the Federal Land Policy and Management Act (FLPMA). As a result of FLPMA, the Bureau of Land Management (BLM) has spent nearly $8,000,000 and many hours in public hearings and workshops to develop a well conceived and balanced management plan for the California Desert. This plan is about to bear fruit. It would be a terrible waste of the public's time and money to reject this plan as S.7 would do.

The BLM has been criticized for lack of management of the California Desert Conservation Area. This is basically a funding and manpower problem. The National Park Service could do no better with the same funding. To solve this problem, Congress should increase funding for the BLM specifically for management of the CDCA, perhaps as proposed by Congressman Jerry Lewis of California.

Southwestern Portland Cement operates a large cement plant at Victorville with associated limestone, silica and shale quarries north of Apple Valley in the southwestern portion of the California Desert Conservation Area, about 15 miles south of Barstow. We have purchased iron ore from at least six different mines in the CDCA and know of many iron deposits in this area which may be our future source of supply. We are currently purchasing gypsum for use in cement from two mines within the CDCA. We know of extensive gypsum deposits in the CDCA. To be able to continue to produce cement, we must have both iron and gypsum as they are essential ingredients.

PLANTS • VICTORVILLE, CALIFORNIA • EL PASO, TEXAS • ODESSA, TEXAS • AMARILLO, TEXAS • FAIRBORN, OHIO

Unless one lives in or is familiar with the vastness of the California Desert, it may be difficult to appreciate the tremendous area that S.7 addresses. For instance, S.7 would create 8.8 million acres, or about 13,750 square miles, instant wilderness area, including Death Valley National Monument and Joshua Tree National Monument. What does wilderness area mean? It means the area is closed to all motorized vehicles and commercial uses. How big is 8.8 million acres? It is about 2 3/4 times larger than the whole state of Connecticut or about 1/4 as large as Arkansas, or 1/8 as large as Colorado or Nevada, or 1/9 as large as New Mexico.

In recent years, I have had the opportunity to visit most of the National Parks and Monuments in the Western United States. They are beautiful and interesting and a delight to behold. However, with the exception of already withdrawn areas in the California Desert such as Death Valley and Joshua Tree National Monuments, I question whether most of this proposed National Park and Wilderness Areas is truly up to the quality standards of our other National Parks. I do not think most of it is, and I have lived and traveled through this area for more than 35 years.

The Senate shoud remember that one reason that our country is great is its natural resources. Diligent industrious men have been able to produce the goods and materials needed by our society at an acceptable price. Where do all of these materials come from? The answer is they must either be grown or mined (including petroleum). Where can our raw materials be mined? The answer is--only where God put them in the earth.

What then is the concern of placing so much land in wilderness areas or National Parks? It is that this great area with known and a great potential for as yet undiscovered mineral resources will be off limits for all time. This will be a great disservice to our country as a whole and especially to the great market areas of the Western United States.

Some may argue that there are no known mines or minerals in some areas. However, one just needs to look at recent history. Following World War II, when our government set an attractive price on uranium, uranium was found in previously unknown areas in New Mexico, Colorado, Wyoming, Utah and other states and a large nuclear industry was developed. Some may view this as a mixed blessing but the point is, uranium was found in areas previously thought to be unmineralized.

Another example of how changing conditions, technology and prices affect mineral deposits is the amazing number of new gold deposits being found nationwide but especially in the West in Nevada, Colorado, California, Oregon, Washington and Utah and other states. Gold is probably the most intensely prospected for metal in the United States and the world. Yet very large low-grade deposits lay undiscovered for years or if discovered were not developed because they could not be mined at a profit. However, relatively recently, the price of gold has risen, and new technology has been developed to profitably work these low grade deposits.

The California Desert contains almost all of the known borate minerals in the United States and it also contains the only known rare earth deposit. It is also possible that it contains the only deposit of some other useful undiscovered mineral that might be of great use, perhaps, even critical, to the United States in the future.

In closing, again we wish to express our strong opposition to S.7 and express our support for the developing BLM plan for the present California Desert Conservation Area where much study has been done to sort these things out in public hearings and forms.

Sincerely,

Douglas Y. MacIver

Douglas Y. MacIver
Manager, Environmental Engineering

DYM:cl

Enclosure (copy of Victorville Daily Press editorial of 7/15/87)

cc: Subcommittee Members

A-4—Daily Press, Victorville, Calif.—Wednesday, July 15, 1987

OUR OPINION

Almost unanimous

The San Bernardino County Board of Supervisors voted Monday to oppose Sen. Alan Cranston's California Desert Protection Act.

In doing so, they've joined the city councils of Adelanto, Victorville and Barstow; the Bureau of Land Management; various cattlemen's, mining and off-road vehicle groups; Rep. Jerry Lewis and state assemblymen Chuck Bader and Bill Leonard; and the *Daily Press*, to name just a few.

In fact, opposition to Cranston's bill is almost unanimous among the groups, agencies and factions located in the desert or with a direct interest in the desert.

So who's for the bill? Well, there's Cranston, the Sierra Club, the Wilderness Society and several other environmental groups, most of them Northern California-based organizations devoted to liberal ideals and dedicated to the proposition that big government is better.

The Cranston bill, if anything, would create a mighty big bureaucracy in the Mojave Desert. Among other things, it would:

- create more than 9 million acres of national parks and wilderness areas;
- change two national monuments — Death Valley and Joshua Tree — to national parks;
- create an East Mojave National Park near Baker; and,
- organize 3.9 million acres of wilderness into three park systems.

You've probably noticed that the groups opposing the Cranston bill don't always agree with each other. But they've all agreed to oppose the Cranston bill, for many different reason.

For us, it's a matter of preferring the lesser of two bureaucracies.

The Cranston bill would take the management of millions of acres away from the Bureau of Land Management — which has done the job for many decades — and hand it over to the National Park Service — which has never had to deal with the desert and hasn't expressed a keen desire to do so.

The BLM has spent $8 million and the past several years putting together a desert management plan. No doubt, there's been some wasted time, effort and money in this process. On the other hand, the plan just might contain a few kernels of wisdom, and it's now just about ready to be put into effect.

But the Cranston bill would toss the entire BLM plan into the dumpster and attempt to create an entirely new desert management system out of thin air.

To us, that just doesn't make sense. If Cranston is convinced that the National Park Service should be in charge of the desert, he should have spoken up about 10 years ago, before the BLM spent the $8 million.

In other words, Cranston should show a bit more respect for the taxpayers' money. As long as the money has already been spent, the BLM plan should at least be given a chance to work.

There's an even more practical argument for sticking with the BLM. Simply put, the BLM has experience.

For years now, BLM rangers have been putting out wildfires, rescuing stranded off-roaders, rounding up burros and wild horses, maintaining warning signs on open mine shafts, protecting petroglyphs, lecturing drunken dirt bikers and picking up misplaced tortoises.

Why not make use of that experience?

In this respect, Rep. Lewis has put forward what seems to be the most cost-effective plan. Lewis has proposed that a relatively modest $710,000 be set aside to pay for more BLM rangers to patrol the desert.

Up to now, the BLM has been fairly successful in protecting 12.5 million acres of desert with just 20 rangers. If that number could be increased to 40 rangers, wouldn't the desert have just about all the management it needs for the next decade or two?

Assuming that the Mojave Desert needs more management — and the federal government seems absolutely convinced that it does — the Lewis proposal seems to be the most logical plan, because it would build on the system that's already in place.

Cranston's bill, on the other hand, would tear down years of experience and waste millions of dollars. And as far as we can tell, the only reason for doing so would be to impress Cranston's already-loyal environmental constituency.

—John Iddings

July 20, 1987

Public Lands, National Parks and Forests subcommittee,
Senate Energy and Natural Resources Committee

Mr. Chairman and committee members:

Thank you for the opportunity to comment on the California Desert Protection Act, S.7.

I lived and worked in the upper Mojave desert community of Ridgecrest for 3½ years (August 1979-March 1983) and visited many of the areas now proposed for park or wilderness designation.

I've hiked among pinon and bristlecone pines of the Inyo Mountain range, watched bighorn sheep and collected marine fossils on Pyramid Peak, visited historic mine relics in the Panamints and photographed Indian petroglyphs and other artifacts in the Saline and Panamint valleys. All are now listed for protection under S.7.

Since I moved to the Central California town of Merced in 1983, I use the desert less often, but still manage to cross the Sierra Nevada mountains at least a couple of times a year to get to the northern-most reaches of the Mojave to camp and hike. Other Californians do the same, usually in spring for the wildflowers.

The Indians called this a "Land of Lost Borders," and indeed, vast unfenced expanses of hills and valleys carry the eye hundreds of miles to some distant horizon. These days, however, many of these picture-postcard scenes are marred by road scars, dotted with the shadows of mine shaft entrances and bisected by utility lines. This is the legacy of "multiple use and sustained yield," as interpreted by the Bureau of Land Management.

In 1980 BLM released its massive California Desert Plan and promises to protect plant and animal resources, but it became clear within a few years that non-intensive uses would take a back seat to the more intensive mining and off-road vehicle activities.

Instead of preserving large tracts as needed by wildlife, the plan fragmented the desert into a patchwork quilt, in some cases allowing vehicle play areas next to sensitive historic or natural resources.

In later years many protections were amended away while others were placed on hold because of cuts in BLM's budget.

I believe Sen. Cranston's bill would set aside adequate acreage in proposed parks and wilderness to keep intact those areas still reasonably unmarked by modern man, while BLM continued to serve as a multiple-use manager on millions of other acres.

S.7 will not "lock up" the desert. Miners with valid claims will continue to mine, ranchers will continue to graze cattle and vehicles will have continued access on existing roads.

With each passing year, more and more of the delicate desert is eroded away as roads continue to spread into new canyons and dry washes. It's time for Congress to give these special areas the protection they deserve. It's time to recognize that some places ought to be left alone for future generations to enjoy.

I hope you will support S.7.

Sincerely,

Rose Certini

Rose M. Certini
3336 M St. #8
Merced, CA 95348

FTR

My name is Dr. Howard G. Wilshire. I am a professional geologist, and have worked estensively in the California desert for the past 20 years and travelled in that area for the past 39 years. I am employed by the U.S. Geological Survey, but, for the record, I wish it to be clear that I represent only myself, not the U.S. Geological Survey.

I am strongly supportive of S.7 because during the extended time I have visited and worked in the Mojave Desert I have witnessed the steady deterioration of its natural values. In that seemingly vast triangle between the Garlock fault on the north, the San Andreas fault on the south, and the Colorado River on the east, lies one of the last jewels in the nation's crown of public lands. The question is, will we sell it now for immediate profit, or will we keep parts of it as they are and give those to our children?

This public land, under the jurisdiction of the Bureau of Land Management, was once regarded as a wasteland, to be sold to the highest bidder as soon as possible. Now it is highly valued by various interests: those who wish access to it for recreation, those who, with the eternal Spring of hope, wish to profit from it, and those like the military, who would consume it in preparation for war.

What values exist in this land to promote so fierce a contest over its control? The land provides little in the way of food and materials for human shelter. It provides no strategic minerals, essentially no fossil fuels, and few nonstrategic minerals of national interest (exploitation of the mineral deposits that are of national value--rare earth minerals at Mountain Pass, borates at Boron, and other evaporites in four dry lake areas is fully guaranteed by S.7). What the California desert does have that is so greatly valued is open space, opportunity to escape from urban bustle, and broad vistas in which a marvelous panaroma of geologic history is laid out for all to see, where the parts of the biological spectrum can be seen to mesh into a single interconnected system. Within this living system are millenia of adaptation to climatic conditions that are still foreign to our northern European heritage. Yet, the survival strategies of plants and animals in our deserts may hold the keys to our own survival.

In the past few decades we have gone far toward destroying these special values of the California desert. It has become segmented into ever smaller pieces by roadways (more than 30,000 miles of them), by utility corridors (more than 5,000 miles of them), by urban expansion including hundreds of miles of useless bulldozed unoccupied subdivision roads, by mining enterprises that have yielded little of value to the nation, by the harvesting of native plants, theft of native art, grazing of a delicate land into submission, and last, but not least, by phenomenal growth of off-road vehicular recreation. It is becoming harder to find solitude in the smaller and smaller pieces of untrampled land, to escape the jarring sounds of low-level military overflights and off-road vehicles. Our heritage of natural history is being worn out and destroyed. Our cultural heritage is being wasted. To these must be added the loss of the unknown--the lessons that a naturally functioning desert system has to offer us and future generations about how to survive in a hostile environment.

The real reason that we need to protect significant portions of this land has nothing to do with any form of recreation or maintaining the nation's supply of minerals, food, and fiber. Rather, in protecting the natural functions of this land we are protecting the quality of our lives and that of future generations. The stability of the land is threatened by the endless proliferation of roads, by utility corridors 100 times the width of a pipeline that is laid in them, by the steady expansion of authorized off-road vehicle areas in which soil erosion exceeds Soil Conservation Service soil-loss tolerances by nearly a thousand times, by road-building and ancillary damages of fruitless mining enterprises, and by excessive grazing. The price for these activities is bigger and more frequent dust storms and floods, the spread of disease, and the incremental loss of the native plant and animal communities.

What we would really accomplish by "locking up land" as wilderness would be deferring some final choices to our children. Considering what has happened during the present generation's tenure, this does not seem such a bad thing to do.

Howard G. Wilshire

Howard G. Wilshire
1348 Isabelle Ave.
Mtn. View, CA 94040

STATEMENT OF
MINERALS EXPLORATION COALITION
BEFORE THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS: CALIFORNIA DESERT ACT S.7

JULY 23,1987

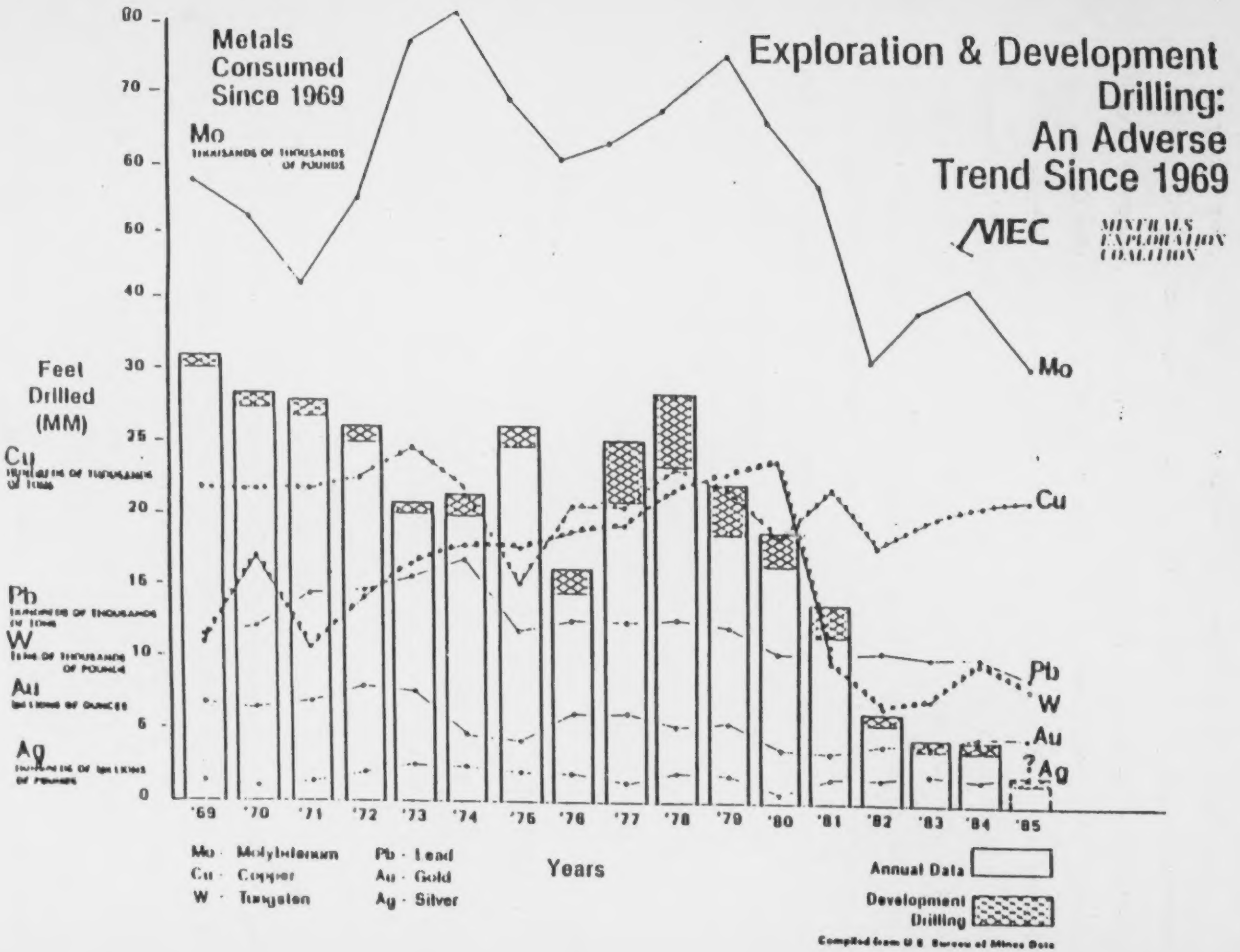
The Minerals Exploration Coalition represents over sixty companies and individuals engaged in the exploration for hard minerals on federal lands.The potential for this proposed withdrawal is significant to the long term ability of the United States to produce certain domestic hard mineral resources and will impact many others.MEC was formed to imput into the federal land planning process. We have made imputs into the BLM desert plan.The magnitude of this proposal calls into question this entire process with many of our members who have taken the time and trouble to add information to the comprehensive BLM plan, only to have that entire plan made meaningless by this proposed legislation.Is congress replacing Federal land planning or is it still the function of BLM and the Forest Service?

We would like to make the following points.

- Mining uses less than 0.5% of the land area but we don't know which areas are mineralized without exploration.Most exploration today is done without significant environmental impacts.
- Since 1964 enormous amounts of land have been removed or withdrawn from potential mineral production,imports of foreign minerals have increased dramatically during this period.

Note figure 1 which shows a drastic decrease in domestic drilling and yet relatively constant commodity demand since 1969. This lack of exploration suggests greatly increased mineral imports in the not too distant future.We find this trend very alarming and of significant national consequence.

Note chart 2 of the proposed legislation.Only BLM (intensive use) and BLM (moderate use) are available to meet future mineral production under S.7. These areas have not been drawn on the basis


Exploration & Development Drilling: An Adverse Trend Since 1969

MEC MINERALS EXPLORATION COALITION

Compiled from U.S. Bureau of Mines Data

Chart 1

PROPOSED DESERT LEGISLATION

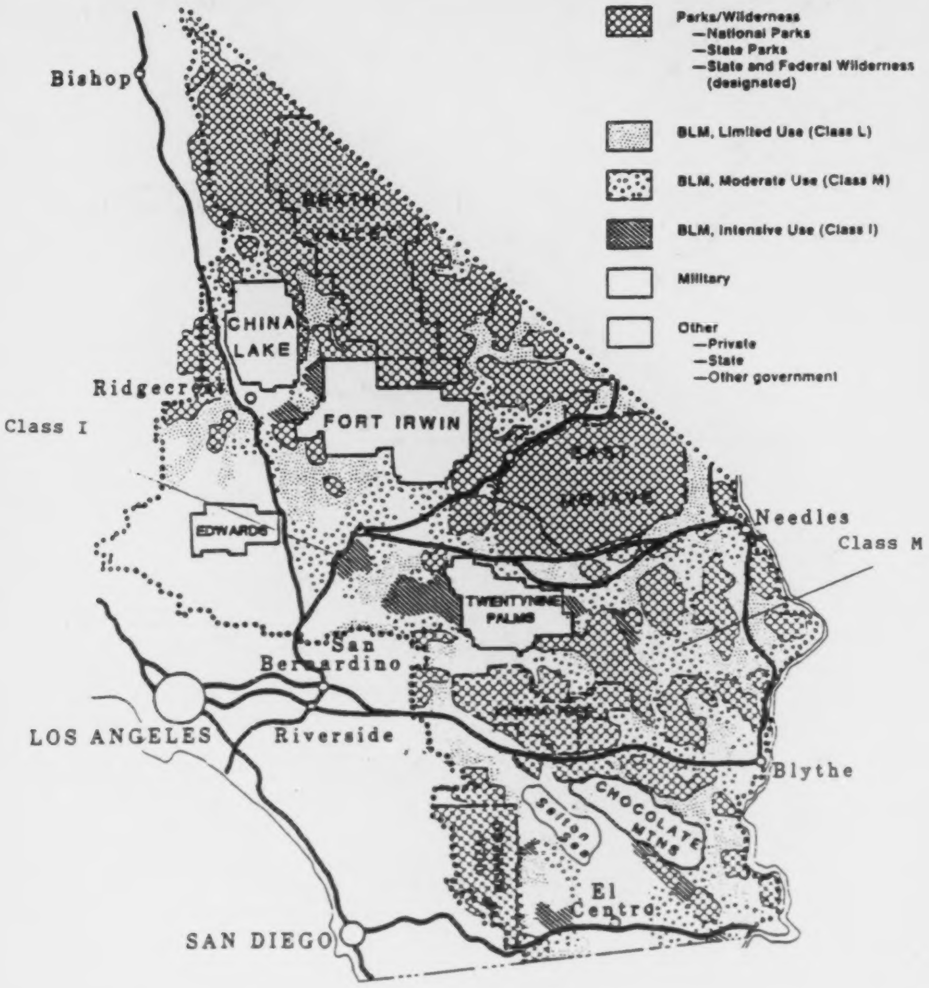
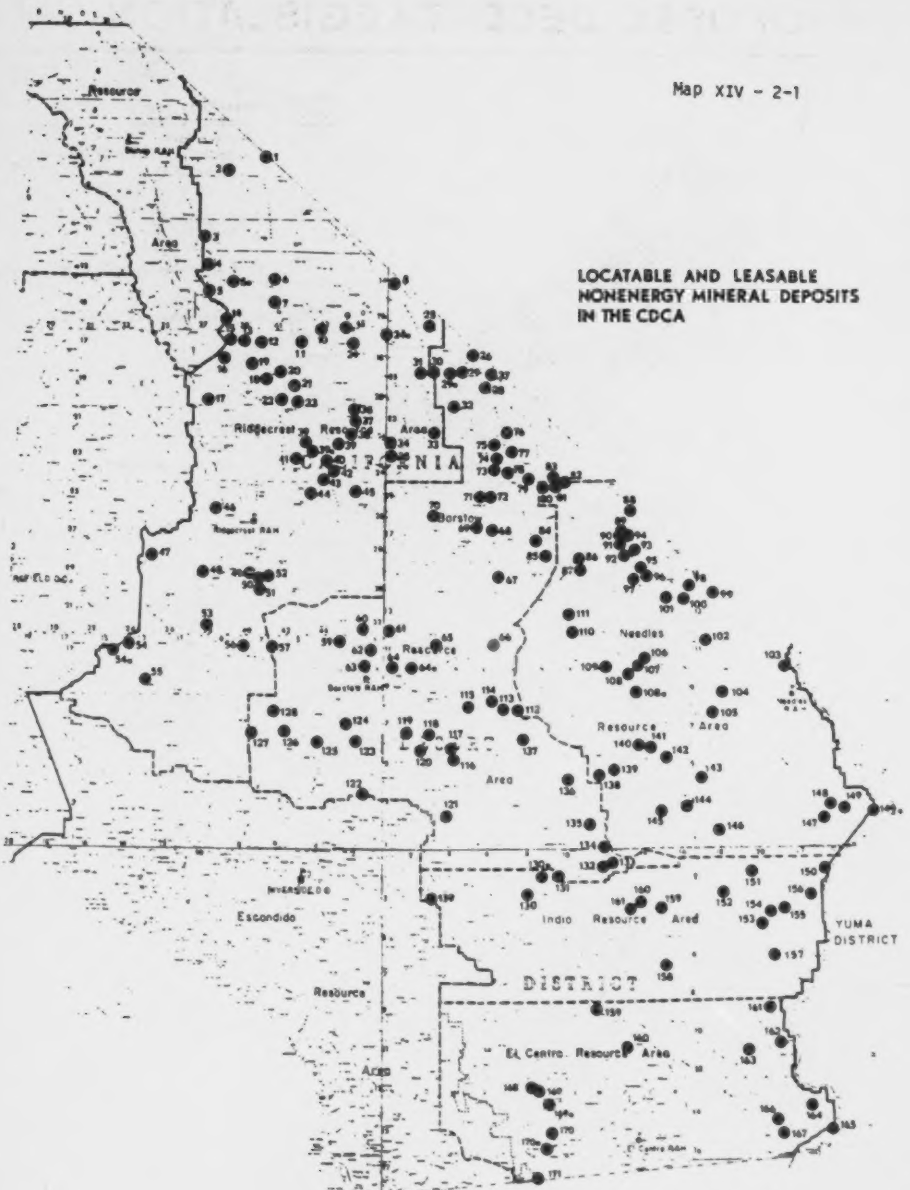

Parks/Wilderness
—National Parks
—State Parks
—State and Federal Wilderness (designated)
BLM, Limited Use (Class L)
BLM, Moderate Use (Class M)
BLM, Intensive Use (Class I)
Military
Other
—Private
—State
—Other government
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
Class I
FORT IRWIN
EAST MOJAVE
EDWARDS
Needles
Class M
TWENTYNINE PALMS
San Bernardino
JOSHUA TREE
LOS ANGELES
Riverside
Blythe
Salton Sea
CHOCOLATE MTNS
El Centro
SAN DIEGO

Chart 2

Map XIV - 2-1



LOCATABLE AND LEASABLE NONENERGY MINERAL DEPOSITS IN THE CDCA

Resource
Area
Ridgecrest Resource Area
Ridgecrest RAH
CALIFORNIA
Barstow
Resource
Area
Barstow RAH
Needles
Resource Area
Needles RAH
Indio Resource Area
DISTRICT
YUMA DISTRICT
Escondido
Resource
Area
El Centro Resource Area
El Centro RAH

Table XIV-2-2
GROUP I COMMODITIES - STRATEGIC MINERALS

COMMODITY	Unit	Stock Goal	Inventory	Stock Short %	Import Reliance		Foreign Source
					1978 %	1979 %	
Copper	Short Ton	1,299,000	24,717	98.1	20	13	Canada, Africa, South America
Lead	Short Ton	865,000	601,056	30.5	9	8	Canada, Australia, South America
Molybdenum	Pounds of Mo	0	0	0	Net Exp.		Canada, Chile
Silver	Troy Ounce	0	0	0	48	45	Canada, Mexico, Peru, England
Talc (Steatite)	Short Ton	104	1,092	0	Net Exp.		Italy, Canada, France
Thorium Nitrate	Pounds	1,800,000	7,156,996	0	NA		France, Canada, Netherl.
Tin	Long Ton	32,499	200,480	0	79	81	SE Asia, Bolivia
Tungsten	Pounds of W	8,823,000	96,405,162	0	56	59	Canada, Bolivia, Korea
Zinc	Short Ton	1,313,000	374,091	71.5	66	62	Canada, Central South America, Europe

Table XIV-2-3 (Continued)
PAST, CURRENT, AND FUTURE STRATEGIC MINERAL PRODUCERS IN THE CDCA

LOCATION	Cu	Pb	Mn	Mo	Ag	Talc	Th	Sn	W	Zn
New York Mountains		PP		FP						
Nopah Mountains	PP FP	PP FP			PP FP					PP FP
Old Woman Mountains	FP								PP	
Ord Mountains				FP						
Owlshead Mountains			PP FP							
Owens Peak									PP	
Panamint Mountains	FP	PP FP			PP FP CP					PP FP
Piute Mountains	PP									
Providence Mountains	PP	PP FP			PP FP					
Riverside County			PP FP							
Riverside Mountains	PP FP									
Rock Corral							FP			
Saddle Peak Hills						PP				
Salton Sea KGRA	FP	FP	FP		FP			FP		FP
Searles Lake									CP	
Shadow Mountains									PP	
Silurian Hills					PP CP	PP FP				
Slate Range	PP	PP			PP				PP	
Ubehebe	PP	PP								
Vontrigger Hills	PP									
Warm Springs Canyon	PP	PP			PP	PP CP FP				
Waterman Hills					PP FP					
Whipple Mountains	FP		PP							

Table XIV-2-4
50 PERCENT OR GREATER NET IMPORT RELIANCE

Location	Gold	Potash	Strontium
Alvord Mountains	PP		
Argus Range	PP CP		
Arica Mountains	PP		
Avawatz Mountains			FP
Bristol Lake			FP
Cargo Muchacho Mountains	PP FP		
Chocolate Mountains	PP FP		
Chuckwalla Mountains	PP		
Clark-Ivanpah Mountains	PP CP		FP
Darwin	PP FP		
Death Valley National Monument	PP		
Eagle Mountain	PP FP		
Fish Creek Mountains			PP FP
Fry Mountains	PP FP		
Halloran Springs	PP FP		
Inyo Mountains	PP FP		
Joshua Tree National Monument	PP Closed		
Laguna Dam	PP		
Lane Mountain	PP CP		
Ludlow	PP CP?		
Mirage Lake	PP CP?		

PP = Past Producer
CP = Current Producer
FP = Future Producer
CP? = Insufficient Data or Intermittent Producer

Table XIV-2-4 (Continued)
50 PERCENT OR GREATER NET IMPORT RELIANCE

Location	Gold	Potash	Strontium
Mud Hills			PP FP
New York Mountains	PP CP?		
Old Dad Mountain	PP FP		
Panamint Range	PP FP		
Providence Mountains	PP FP		
Picacho	PP FP		
Pinto Mountains	PP CP?		
Randsburg	PP FP	FP	
Riverside Mountains	PP FP		
Rosamond	PP CP?		
Sageland	PP FP		
San Bernardino Mountains	PP FP		
Shoshone	PP FP		
Slate Range	PP FP		
Stoddard Mountain	PP FP		

Table XIV-2-5
MAJOR EXPORT COMMODITIES IN THE CDCA

Location	Kyanite	Soda Ash	Lithium	Borates	Rare Earths	Uranium
Big Maria Mountains						FP?
Boron			FP?	CP		
Bristol Lake			FP			
Cadiz Lake			FP?			
Calico Mountains				PP FP		
Cargo Muchacho Mtns.	PP FP					
Chocolate Mountains						PP FP
Danby Lake			FP?			
Death Valley Jct.			FP?			
Death Valley Playa				PP		
Eureka Valley			FP?			
Furnace Creek Wash			FP?	CP		
Greenwater Range			FP?	PP FP		
Hector			FP?			
Kramer				FP		
McCoy Mountains						PP FP
Mountain Pass					CP	
Mud Hills						FP
Panamint Range						FP
Salton Sea KGRA			FP	FP		
Searles Lake		CP	PP FP	CP		
Shoshone				CP		
Soledad Mountain						FP
Tecopa			FP			FP

PP = Past Producer CP = Current Producer FP = Future Producer
? = Insufficient Data

COMMODITY REPORTS

The following section contains individual reports on each of the 25 commodities selected for study. Each report has a commodity summary, abstracted from the Bureau of Mines 1980 Mineral Commodity Summaries and 1978-79 Minerals Yearbook, with pertinent data for the CDCA added. A table for each commodity lists the deposits inventoried, locations, amounts of past production, reserves and resources, and the value in terms of 1979 prices. The 1979 figures were used because they were the latest complete data available at the beginning of this part of the GEM project. The value of total production, reserves, and resources, was calculated by multiplying the commodity unit price by the production, reserve, or resource total. All data used are on file at the California Desert District Office of the Bureau of Land Management, Riverside, California, and are available for inspection upon request at that office.

Strategic Commodities:	Copper Lead Manganese Molybdenum Silver Talc Thorium Tin Tungsten Zinc
50% Net Import Reliance:*	Gold Potash Strontium
Major Exports:	Borates Kyanite Lithium Rare Earth Oxides Sodium Carbonate Uranium
Locally or Regionally Significant:	Barite Clays Geothermal Gypsum Iron Limestone, Lime, Cement Oil and Gas Sand and Gravel Sodium Sulfate Zeolites

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* The U.S. imported at least 50% of the gold and strontium consumed domestically in 1979. In 1980, gold imports dropped below 50%, due in part to recycling of this precious metal. Historically, gold is an important metal, so it is included with the major imported commodities.

Rare Earth Oxides (REOs), (CeF)CO$_3$

Uses: Petroleum catalysts 38%, steelmaking 38%, ceramic and glass 19%, other 5% (electrical, nuclear, super alloys, magnets, and color TV tubes).

Consumption: The apparent domestic consumption of REOs in 1978 was estimated at 20,000 short tons. The U.S. imported 7,654 short tons of REOs.

Trends: From a 1977 base year, domestic consumption is expected to increase at an annual rate of 6% through 1985. Foreign imports increased due, in part, to the closing of a Florida monazite operation in 1979.

Production: The world's major producer of REOs from basnaesite is Molycorp, Inc., at Mountain Pass, California. The U.S. imports monazite from several countries; however, these ores do not contain the entire suite of rare earth elements, so the deficiency must be extracted from the basnaesite ores of Mountain Pass. The 1978 production of basnaesite from Mountain Pass was 15,595 short tons. The amount of REOs exported each year from Mountain Pass is unknown since the data is proprietary and withheld by the Bureau of Mines.

The present U.S. reserves of basnaesite are located in the vicinity of Mountain Pass, California. The 1980 Annual Report of Union Oil Company of California states that this deposit contains an estimated 44,000,000 short tons of proven and probable ore, averaging 7.68% REO.

Substitutes: In major use categories, there are no suitable substitutes now known. In minor use areas, substitutes are available, but are less effective than the rare earth elements.

Price: 1979 - $0.80 per pound rare earth oxide, basnaesite concentrate.

References: 40, 54, 55, 102.

RARE EARTHS IN THE CDCA

Map -XIV-2-1 No.	Deposit	Location	GRA	Production (short tons)	Reserves[1] Resources[2] (short tons)	Value ($ X 10^6)	Ref N
93	Mountain Pass	Mountain Pass	Clark Mtn.	250,000		400.00	
"	"	"	"		3,379,200[1]	5,406.72	
131	Music Valley	Twentynine Palms	Dale Lake		Potent. Res.		
	Total Production			250,000		400.00	
	Total Reserves				3,379,200	5,406.72	

THE
OUTDOOR NATIO

FTC

"LET YOUR VOICE BE HEARD"

Preface

For twenty years I have represented the needs of family recreation--some 108 outdoor hobbies, at least 71 which can be enjoyed on OUR PUBLIC LANDS.

As we all recognize, there is a small percentage of Americans who misuse and vandalize the Public Lands, and on the opposite end of the spectrum there is a small percentage of vocal and manipulating environmental zealots who socialistically wish all the lands closed. Neither must be allowed to pervail.

The California Desert Protection Act of 1987: Senator Cranston's SB 7 and companion bills, HR 371, 361 and 729 must not be enacted.

The PHYSICAL AND SPIRITUAL WELFARE OF ALL AMERICANS, and the Nation, depends upon our access to the land. With the exception of air, every need for human existence comes from the earth--wood, vegetation, meat via vegetation, minerals and metals, and even our water is transported through underground aquifiers.

But as our population increases our access to the land is decreasing by massive closures through ill-advised legislation.

755.3 million acres, roughly ONE THIRD of the 2.2 billion acres of land surface of the United States, are controlled and managed by the federal government.

Fifty-two percent of the 101.5 million acres of land surface of California are managed by Federal Agencies.

The Wilderness Act of 1964, at which time 11.4 million acres were instantly closed to access by any method but muscle power, (foot or horseback) was the culmination of some ten years planning. The Sierra Club takes credit for writing this legislation. This means no search for oil, no mineral exploration or extraction, little grazing, no timber harvest, and no motorized access for family recreation.

Later, President Nixon's Executive Order 11644, defining "off-road vehicles" and which makes your family automobile an off road vehicle once it leaves a county maintained highway, was written by the Sierra Club. And now they are classing bicycles as off-road vehicles.

Since then we have watched 15.4 million acres of our 18.3 million acres in National Parks be classified as Wilderness. You may be surprised to know that it isn't just the increase in park visitors that has caused such crowding. Of the 2,220,000 acres in Yellowstone less than 3% of the acreage has ever been open for public use.

By 1984 64% of all federally controlled land was withdrawn and excluded from mineral exploration, timber harvest and vehicular access; with another 9% under de facto wilderness until studies can be made.(This fact comes from an article researched by two former BLM employees and entitled, IS OUR ACCOUNT OVERDRAWN.)

A number of years ago environmental activists put all their efforts on Alaska Wilderness. For the last several years it has been WILDERNESS in the National Forests of the Northwestern States. In 1987 the echos in the halls of Congress are, "THIS IS THE YEAR OF THE CALIFORNIA DESERT!"

It is up to the 99% of Americans who need the products from the lands and who respect and cherish our California Desert to carry the word to our elected officials, even those put into office by the environmentalists, to help keep the lands under the adequate and able management of the Bureau of Land Management and the California Desert Conservation Area Act of 1976. It needs some improvement and more funding, but overall is doing the task intended for the benefit of the majority and the nation.

We must bring truths and facts to the government planners of our natural resources in order for them to re-evaluate the priorities to continue to provide a better balance between use and non-use of the resources for the benefit of this and all future generations.

****

Now let's get to some needed FACTS:

Recently, national television carried pictures of Senator Cranston, in hiking togs and boots, flanked on either side by pretty starlets, atop a sand dune in Death Valley. (Did you notice the "off-road" motorhomes in the background? There Senator Cranston stated that his bill was only asking for about 5 million acres for wilderness out of the 25 million acres of the California Desert. Of course that in itself is untrue but we wish to clear the acreage figure.

FACTS: It is important that the news media and the public learn the correct acreage of PUBLIC LANDS in the California Desert. There are 25 million acres in the California Desert, however, 41%, 10.5 million acres are in military installations, state and private ownership; inaccessible for public use.

This leaves 14.5 million acres of PUBLIC DOMAIN, but subtract 2,517,000 acres that compose Joshua Tree and Death Valley National Monuments and you have only 11,983,000 acres under the management of the Bureau of Land Management. 1.9 million acres of this is proposed and managed as Wilderness. This leaves a tad over 10 million acres for mineral exploration and extraction, grazing, pipeline corridors, power lines, and recreational use.

And this is under the current Land Use as managed by the BLM. Senator Cranston's S7 would reduce the 10 million acres to 4.1 million acres with provisions for some of this to used to trade for "inholdings" (private property inside the proposed new Mojave Park).

FACTS: According to the BLM's 1986 Annual Report there were 28.8 million recreational visitor days in the 40% of the land open to use.
In 1971 that figure was 13 million visitor days and the break down of types of recreation are as follows:

Recreation Visitor Days

Nearly 13 million visitor days were estimated on public lands in California last year. Many of the recreationists participated in one or more recreation activities while visiting the public lands. The following is a list of activities participated in, a ranking of the most important activities and estimated participation.

Off-road vehicle use	25%	3.2	million
Sightseeing	25%	3.2	"
Camping	20%	2.6	"
Rockhounding	15%	1.9	"
Hiking	5%	.6	
Hunting	5%	.6	
Picnicking	5%	.6	

The BLM has designated 500,000 acres of the Public Lands for intensive use by motorcycles and dune buggies, the type of vehicles you and I consider off road vehicles. Therefore in 1971 3.2 million visitor days were compacted onto just 2% of the land.

In 1986 the size of the intensive land use was the same, 2%. but there were twice as many users.

In 1971 the other 9.5 million visitor days found people arriving in their conventional modes of transportation, as did those who came to use their "off-road vehicles". Usually these are habitable vehicles such as trailers and motorhomes. There must be room for the families who come to OUR PUBLIC LANDS for recreation.

90% of California's 26 million people are in the southern half of the state. 70% live in the five southern counties. With inadequate planning for green belts around the thickly populated cities there is great need for outdoor recreational space such as OUR PUBLIC LANDS provides.

The family that camps out together learns to track animals, identify species of birds, plants and trees, prospect for gold, hunt and identify gemstone materials, study the galaxies in the dark desert skies, and many other worthwhile hobbies, usually learn to respect and conserve our outdoor heritage.

When the campfire is dowsed, and the night sky twinkles with stars; and the coyotes and owls call in the distance the children really believe they are pioneering. This is the AMERICAN WAY.

There is a compelling need in this nation for adequate opportunties for RE-CREATION OF BOTH BODY AND MIND. Many ills of society might be avoided if more time was given to family togetherness.

Americans, and our government, have a commanding mandate to conserve both the HUMAN AND NATURAL RESOURCES of this nation, giving priority to neither. It is futile and foolish to preserve our natural resources if we ignore the human needs. We must not shut our lands away from people entry by mechanical means. The very young, the old and the disabled have the right to enjoy the wonders of the lands.

Respectfully submitted by Mrs Hildamae Voght Hildamae Voght.
A frequent visitor to the desert since 1933 and a full time resident since 1964. 35205 Johil Road, Newberry Springs, Ca. 92365
619-257-3350

FTR
7/23

STATEMENT OF WESTERN OIL AND GAS ASSOCIATION

CONCERNING S.7 "THE CALIFORNIA DESERT PROTECTION ACT OF 1987"
FILED FOR THE HEARING RECORD OF THE SENATE PUBLIC LANDS,
NATIONAL PARKS AND FORESTS SUB-COMMITTEE
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES
PUBLIC HEARING JULY 21 - 23, 1987 WASHINGTON, D. C.

This is the Statement of Western Oil and Gas Association a petroleum trade organization whose member companies produce, transport, refine and market much of the west's crude oil, natural gas and associated hydrocarbon substances. Principal offices of the Association are in Los Angeles, California.

We oppose enactment of S.7. Its provisions are totally biased towards one narrow point of view as evidenced by the author's own words:

> "I have worked closely with California Conservationists to determine the highest and best use for each area within the California desert."

No mention is made of other groups who use the land, no effort was made to secure their views. The bill, S.7, is a classic example of what can happen when an elected official loses touch with the breadth of his constituency and also forgets that the Congress has already dealt with the California Desert by enactment of Section 601 of the Federal Land Policy and Management Act in 1976.

This has proven to be one of the better pieces of federal land legislation. It recognized at the outset the wide variety of uses and user groups on the desert, held exhaustive public hearings and allowed an advisory group of citizens representing different user groups to make multiple use a reality. This they have done most successfully without harm to the environment or the principle of compatible multiple use of public lands.

Proponents of S.7 say the bill complements Sections 601 of FLPMA. It does not, but rather would substitute single purpose use of the land for workable multiple use administration.

In reviewing S.7, one must remember that it affects almost 10% of California's land area. Already the nations' most populous state with 27 million residents, more than half of this population is crowded into a narrow coastal plain running from Santa Barbara on the north to San Diego on the south. The abutting California Desert is the safety valve for a vast urban area. The seemingly endless stream of autos, and recreational vehicles headed into the desert each Friday evening attests to the intense recreational use of the desert year round. Yet the multiple use administration of the area accommodates the ever swelling recreational load with a minimum of friction. On the other hand, S.7 through the creation of nearly 9 million additional acres as wilderness, including creation of one new National Park and reclassification of two national monuments to Park status, would greatly restrict the weekend recreationists' access to their public lands.

Future mineral exploration both hard minerals and oil and gas, would be precluded on most of the California Desert, if S.7 is enacted. While there is no existing oil and gas production in the area there has been sporadic exploration which is now intensifying. One school of geologic thought holds that the Great Basin which covers most of Nevada, and much of western Utah also lobs into the California desert. Geophysical work and deep drilling will eventually determine the validity of this concept. But the necessary geophysical work and deep drilling cannot be accomplished under provisions of S.7. It is more than ironic that the bill's author has been in the forefront of the effort to block oil and gas drilling on the OCS offshore California saying repeatedly "oil companies should explore onshore in California". Yet S.7 would prevent exploration in an important onshore area.

While S.7 would permit existing mining operations to continue, much of the California desert would be closed to mining in the future. This ignores the fact that mining is an important multiple use of public land. Of the 65 mineral commodities known to occur in the California Desert, 27 are considered strategic and critical. These are minerals, needed to supply the military, industrial and essential civilian needs of the country during a national emergency, that are not presently produced in sufficient quantities to meet these needs.

The word "superconductors" has been prominent in recent headlines. These are metals capable of transmitting electric current more efficiently, opening up tremendous opportunities for energy conservation as well as super magnetism applications. The desert area affected by S.7 currently produces 97% of our current, limited supply. Of the 11 rare metals thought by superconductor researchers to hold the most promise for this energy breakthrough all are found in the California desert. However, S.7 would prevent their development in quantities soon to be needed.

A similar story surrounds gold production from the California desert. From 5000 ounces in 1981, new mines have increased production to 255,000 ounces estimated for 1987, 305,000 ounces in 1988. If S.7 is enacted production will flatten out by virtue of the prohibition on new mining operations.

It is clear the state and nation cannot afford S.7. The public hearings will give the Congress some idea of the breadth and depth of oppositions to a bill that helps no one and hurts many. Recreation interests, city councils, miners, stockmen, utility companies state representatives, the oil and gas industry are just a few of the entities that have banded together in common opposition to S.7. The desert is, too important to too many to abandon a hard won multiple use land management system. The status quo works; we do not need S.7.

Testimony Before the U.S. Senate
Subcommittee on Public Lands, National Parks and Forests,
Hon. Dale Bumpers, Chairman

Review of Proposed Senate Bill 7 ("Desert Wilderness Bill")

Presented by
Robert A. Sanregret, A.B., M.B.A., J.D.
Representative of the Western Mining Council, Inc.
at
Washington, D.C.
July 21-23, 1987

Mr. Chairman and Members of the Subcommittee:

Thank you for allowing the Western Mining Council to present its views in opposition to Senate Bill 7. The Western Mining Council is a group of independent small-scale miners and prospectors, active throughout the Western U.S. mining states.

The proposed Senate Bill 7 (S-7) would affect about 9-million acres in the Mojave Desert in southwestern United States, primarily in California (sometimes referred to as the "California Desert"). S-7 would vastly increase the geographical area designated as wilderness, "National Monuments" and "National Parks", and would remove approximately 14,000 square miles from present or future productive use. S-7 would be incalculably expensive for the American public, and must not be passed.

What's in the California Desert?

The April 6, 1987, Congressional Record quotes the following question asked of Senator Alan Cranston (primary sponsor of S-7), and Senator Cranston's answer, as follows:

> Question: "I have heard that there are millions of dollars of minerals, including critical strategic minerals, in the California Desert. Would these be lost to development under the bill [S-7]?"
>
> Answer (by Senator Cranston): "The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for over a hundred years. Most studies show that there is little remaining commercially developable mineralization in the California Desert."

This statement by Senator Cranston is false and misleading. This statement and misunderstanding of fact is apparently one of the bases upon which S-7 was conceived. However, I ask that you look at some facts:

Fact #1: In 1986, $1.3-billion of non-fuel mineral production came from the California Desert (over half of California's $2.3-billion 1986 production).

Fact #2: In 1986 only 2% of the California Desert mineral production was "sand and gravel." ($27-million of California's 1986 $545-million sand and gravel production).

Fact #3: 100% of the 1986 U.S. production of boron minerals were mined in the California Desert (1986 value, $431-million).

Fact #4: 97% of the U.S. rare earth mineral production comes from the California Desert. Rare earths are essential to high technology applications including lasers, high-power magnets and the recent breakthroughs in superconductivity research which hold the key to future quantum advances in energy conservation.

Fact #5: In 1986 over 200,000 Troy ounces of gold were mined in the California Desert (approximately $90-million); and the estimated 1987 production is 255,000 Troy ounces, and 305,000 Troy ounces for 1988.

The facts relative to present and potential mineral production are readily available; and data and references have been and will be supplied by myself, by my associates and by other witnesses.

In 1986 a joint study by the BLM (U.S. Department of Interior, Bureau of Land Management), the California Division of Mines and Geology, and California State Mining and Geology Board, offered substantial evidence of the high mineral potential of the California Desert.

There are hundreds of mining operations in the California Desert, and I would like to mention three world-class California Desert mines, each of which were discovered by individual independent prospectors, and are discussed briefly below:

(1) Molycorp's "Mountain Pass Mine": In April 1949 Herbert Woodward and James Watkins borrowed a geiger counter from "Pop" Simon and set out looking for uranium in San Bernardino County, California. They found radioactive rock, had it analyzed by the Bureau of Mines who identified the mineral bastnaesite, a fluo-carbonate of the cerium group of rare earth metals. Molycorp bought the claims from the original prospector/locators in 1950. In 1951 the Sulphide Queen ore body was discovered, and Molycorp also acquired those claims. In 1951 there were very few uses for rare

earth metals. Molycorp research labs were able to develop uses for the rare earth metals and develop markets for their ore. The Sulphide Queen ore body is the largest deposit of its kind in the world. The use of and need for the rare earths in the current superconductivity "boom" is critical.

(2) Gold Field Mining Corp's "Mesquite Mine": Dick and Anna Singer prospected and staked their first mining claims in the Mesquite District in Imperial County, California, in 1957. After years of work and acquiring additional property in the area, the Singers approached major mining companies, several of which sent geologists to look over the property and take samples, only to reject the property. Then, in 1980-1981 geologists from Gold Fields Mining Co. investigated the property, leased it, conducted extensive exploration and feasibility studies, and in 1986 achieved full scale production from a deposit that dozens of geologists and federal and state geological surveys had originally said was "not economic." Current production from the Mesquite Mine is over 150,000 Troy ounces of gold annually (about $70-million), employment is about 300 persons, and the annual payroll is over $6-million.

(3) U.S. Borax Corp's "Boron Mine": In 1913 Dr. John Suckow, a homesteader, discovered borate minerals while

drilling a water well in Kern County, California, in the Mojave Desert. U.S. Borax Co. acquired the property and started production in 1926. Since that time this deposit at Boron, California, has annually yielded more than 60% of the free world borate production.

The three operating mines discussed above are currently three of the largest in the California Desert, and all three were discovered by individual independent prospectors. These deposits were discovered by people who were looking in areas not known to contain deposits, or where it was thought to be sub-economic at best. Many more prospectors have discovered what turned into operating mines. The incentive for this success is the 1872 Mining Law which provides an opportunity for citizens to enter public domain land and to prospect for minerals. The mining law provides incentives in that if a person finds a mineral deposit, he can develop a mine and ultimately acquire a patent to the property. There is no up-front subsidy by the federal government. There is no "subsidy payment" for not prospecting, nor is there payment for not producing. Obviously only a small percentage of mining exploration prospects result in a profitable mine. However, the successful prospector's reward for a productive job well done, for discovering valuable minerals, is the prospector's assurance under the 1872 Mining Law that the mineral deposit can be developed. These three major mines, and many others in the California Desert, would not have been discovered and developed without the incentive of the Mining Law; and there are thousands of persons today, and several in this room, who regularly go out prospecting for minerals in the California Desert.

The costs of not producing minerals in the California Desert can only be estimated. If the Coloseum Mine, at Clark Mountain (San Bernardino County, CA) is not allowed to open because of the designation of the Mojave National Park under S-7, 100 to 150 jobs will be lost that would have supported 100 to 150 families. If the gold deposit in the Castle Mountains area near Hart, in San Bernardino County, is not allowed to be developed for the same reason, another 100 to 200 jobs will be lost. Annual payrolls of from $3-million to $6-million at each mine will be lost, along with the support and service industries that would have benefited from just these two deposits, both in advance stages of exploration and feasibility studies. If S-7 were to terminate the development of these mines, the federal government (i.e., the public), would be liable to pay "just compensation" to the claim owners for the "taking" of their property. (Also discussed elsewhere in this report).

Another direct economic factor to consider is that by *importing* a mineral from a foreign country rather than *exporting* it from the California Desert, worsens the U.S. balance of trade deficit. At a time when our nation needs to stimulate the creation of new jobs, to better its trade deficit and to further strengthen the economy, the passage of S-7 would operate counter to each of these several goals.

The environmental costs for closing mines or not allowing new mines to open would be great. Molycorp's Mountain Pass Mine in the California Desert produces 97% of the U.S. production of rare earth minerals. If this mine were to close, the production would have to come from elsewhere. Major supplies of rare earths would most likely come from Mainland China. In the U.S. we have strict environmental controls to protect air, water, and the land surface. The same strict environmental controls are not found in many countries of the world, and non-existent in China. By increasing mining in China, at the expense of decreased mining in the U.S., the world environment would suffer, the U.S. trade deficit would suffer, the former U.S. mine operators would suffer, and the U.S. would still pay more, possibly *much* more, for the very same minerals which lie untouched beneath the California Desert "wilderness."

S-7 is not needed because over the last 20 years the California Desert has been the direct object of a comprehensive overall plan, administered by the BLM; and a brief history of the evolution of the current California Desert Plan follows:

In 1965 the BLM began an inventory of California Desert recreation land for the Bureau of Outdoor Recreation. In 1968 the BLM and the National Park Service published a study "The California Desert", the first such study, analyzing desert recreation and its effect. In 1970 the BLM issued a report with recommendations for management of off-road vehicles. Planning guide lines were developed in 1971 and the Desert Plan Staff was authorized in 1972. In 1973 the Interim Critical Management Plan (ICMP) for motorized vehicles was issued. With public participation the ICMP was revised and re-issued in 1973. The first area management plan, the Management Plan for the Yuha Planning Unit was issued in 1975, followed in 1976 by Management Plans for Red Mountain and the El Paso Planning Units.

The Federal Land Policy and Management Act of 1976 (known as "FLPMA") was signed into law on October 21, 1976. This act established the 25-million acre California Desert Conservation Area ("CDCA"). FLPMA also mandated the development of the "CDCA Plan".

For reference, two pertinent portions of FLPMA are quoted here:

FLPMA, Section 601(d), provides in part:

> "Such [CDCA] plan shall take into account the principles of multiple use and sustained yield in providing for resource use and development, including, but not limited to, maintenance of environmental quality, rights-of-way, and mineral development."

FLPMA, Section 603(a), provides in part:

> "[P]rior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present in such areas."

Prior to adopting the "CDCA Plan", there were twenty-one California Desert Conservation Area Advisory Committee public meetings and field trips during the inventory and draft planning stages of the CDCA Plan. In February 1980 the Draft Plan Alternatives and EIS were released for public review and comment. During April and May 1980 twelve public hearings were held throughout California on the Draft Plan and the EIS. More than 40,000 separate comments on the CDCA Plan were received throughout the process.

Public comments on FLPMA were reviewed, analyzed, and considered prior to the release in October 1980 of the proposed "California Desert Plan" and Final EIS, with appendices, for public review and comment. In October 1980 twelve more public hearings were held throughout California on the proposed plan. In November 1980 review and analysis of addition public comment was made and the Final California Desert Conservation Area Plan and signed by Secretary of Interior Cecil Andrus in December 1980.

As of mid-July 1987 the BLM has received mineral survey reports from the USGS and the U.S. Bureau of Mines on most of the areas preliminarily recommended as suitable Wilderness Study Areas (WSA's).

S-7 calls for the establishment of 81 new "Wilderness Areas", about half of which have never had a mineral survey requested of the USGS or of the U.S. Bureau of Mines.

The fiscal impact and dollar cost, of S-7 would be tremendous. Please consider the several areas of the substantial cost to the U.S., and to the U.S. citizens, which would result if S-7 were to become law:

> Cost #1 -- Increased Prices of Minerals. The purchase price or cost of many minerals, rare earths and critical minerals will rise, if not skyrocket, because of the disappearance of the supply and potential sources for these minerals from the California Desert. The U.S. government and businesses would be dependent upon and subject to the foibles and whims of, and price gouging by, foreign sources

of these essential minerals, such as we were in the oil "shortage" of the 1970's. The only other major source of boron is in Turkey; and the rare earths are available primarily only from Mainland China and from eastern bloc countries.

Cost #2 -- Fifth Amendment "Takings." Billions of dollars of eminent domain awards will be due to the present owners of property, real estate, mining claims and businesses which will be "taken" if S-7 becomes law. These awards will be based upon the impossibility and failure to effectively comply with the bland provisions of S-7 that "all existing rights will be preserved", as such has proved impossible in the past, and the U.S. government will increasingly be looked to for compensation for such inverse condemnation "takings" under the 5th Amendment, as recently reaffirmed in the two June 1987 U.S. Supreme Court decisions (the "Glendale Church", and the "Ventura beach access" decisions). In 1980 a federal lease which was restricted by "wilderness protection stipulations" was held to be a mere "shell" lease, and a compensable "taking"; and mining claims subjected to wilderness restrictions would also seem to be a "taking" of real property requiring just compensation under the 5th Amendment. The frustrations of various miners, including efforts of Dr. Ralph E. Pray to open his Christmas

Mine in 1974-1976 in Death Valley, are documented in the literature, and are available to this Subcommittee.

Cost #3 -- Non-Compensable Losses. Thousands of businesses, large and small, will be hurt or destroyed by S-7, with many of these private losses being non-compensable under the 5th Amendment. (e.g., prospector supply shops, recreation businesses, vehicle sales and service, most California Desert businesses, etc.). So, it is certainly incorrect to say that there is "no fiscal impact" to S-7.

Cost #4 -- Dependence Upon Unreliable Foreign Sources for Minerals. The most serious "cost" of S-7 will be our dependence upon and subservience to foreign, unreliable and unfriendly sources, monopolies and cartels for essential minerals and rare earths which are indispensable to keep the U.S. edge and dominant position in the critical fast-developing areas of military hardware, space technology and superconductivity. We will be unable to keep our "edge" if an unfriendly foreign cartel chooses to not sell us their minerals or rare earths. No dollar value can be placed upon the U.S. retaining its position as the world leader in these areas of research, technology, security and national defense.

Conclusion:

S-7 should not be enacted because of the tremendous unnecessary fiscal impact and cost of doing so, as discussed above, and because there presently exists an effective multiple-use California Desert Management Plan, administered by the BLM, which has been 20 years in the preparation and making, and which works. The U.S. does not need and cannot afford S-7, and S-7 should be defeated.

Thank you for allowing the Western Mining Council to present its views in opposition to Senate Bill 7.

ROBERT A. SANREGRET
Western Mining Council, Inc.

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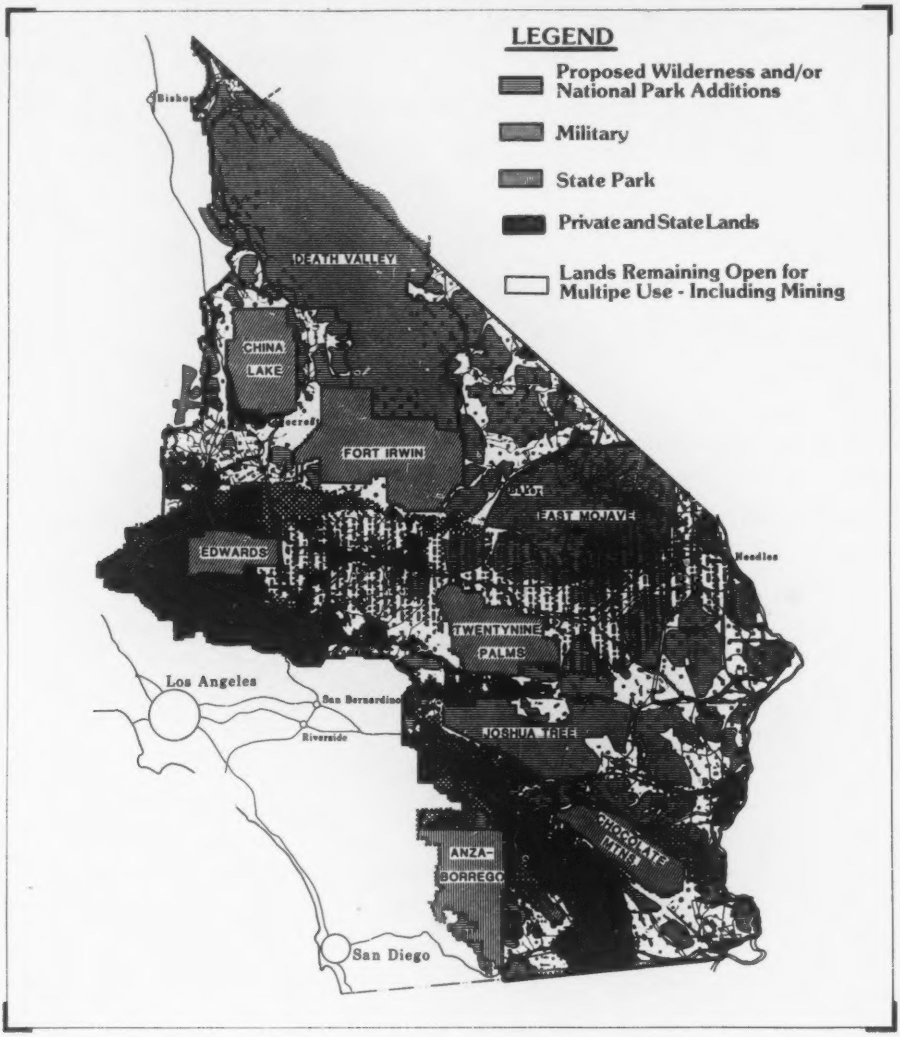
WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA BILLS NO. S-7 and H.R.-371


LEGEND
Proposed Wilderness and/or National Park Additions
Military
State Park
Private and State Lands
Lands Remaining Open for Multipe Use - Including Mining
Bishop
DEATH VALLEY
CHINA LAKE
FORT IRWIN
EAST MOJAVE
Needles
EDWARDS
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
CHOCOLATE MTNS
ANZA-BORREGO
San Diego

TESTIMONY OF JAY von WERLHOF
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS

REGARDING S.7, THE CALIFORNIA DESERT PROTECTION ACT

Mr. Chairman, I am Jay von Werlhof, archaeologist and director of Imperial Valley College Museum; the Southeast Desert Regional Officer for State of California Archaeological Survey; and Past President of Society for California Archaeology. I have recently completed the first of a three volume work on the large prehistoric earthen art ground figures found in many parts of the North American deserts but mostly in California, and found elsewhere only in the Atacoma desert of Northern Chile and at widely scattered loci throughout Australia.

In California, these figures represent some of our oldest heritage resources. Indeed, the deserts contain the largest and most ancient of prehistoric cultural resources remaining in California, primarily because these lands were the first to be occupied and utilized in this state and the last to be developed and widely impacted.

Today, the impaction are accelerating by both planned developments and wanton destruction. The most rapidly expanding California areas now are desert areas, once attractive because they were wild and open. By the year 2000 the world's number one industry will be tourism, and southern California is gearing up for the challenge and the trend. Along with those seeking to open America's last frontier are those whose quest for unrestrained adventure take them across what they consider is barren wasteland and in the process destroy or damage habitats and heritage resources.

For example, sometime between last fall and Easter, a group of campers in Coyote Valley, one mile off Highway 98 in the southwest corner of Imperial County, systematically destroyed an entire quarter-mile long site we dubbed Holy Hill when we first discovered it while on survey in 1981. This approximately 1000-year-old site was composed of 25 ceremonial features, with cross trails serving all four cardinal directions. Motorbikes and ORVs had made a road of the whole surface, and rock rings, ceremonial circles, shamanistic hearths and cairns have all been excavated or damaged. At another site five miles east of Holy Hill on Memorial Day in 1975, two cyclists lifted their vehicles over a fenced geoglyph on the Yuha Mesa, and in a short afternoon totally destroyed the 425 by 200-foot ground figure there, the most developed, detailed and complex specimen known to California deserts.

Most earthen art sites have now been placed on the National Register, but the registry does not protect sites less than 10% of the recorded ground figures have been fenced, and not all fencing has proven to be a satisfactory protective measure, as emphasized above. It will possibly take another century to complete the recordation process of archaeological desert sites of all types and have the data necessary to recount the human continuity and adaptive strategies begun in prehistory some fifteen or twenty thousand years ago and continuing into the historic present. If the environments containing those resources are not protected from molestation, that story will never be known.

WESTERN MINING COUNCIL, INC.
(NON—PROFIT ORGANIZATION)

874 North Beverly Glen Boulevard
Los Angeles, California 90077
(213) - 474-9705

July 9, 1987

U.S. Senate
Subcommittee on Public Lands, National Parks and Forests
SD-308 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Written testimony for inclusion as part of the hearings on Senate Bill 7; hearings scheduled for July 21 and 23, 1987.

Honorable Committee Members:

The WESTERN MINING COUNCIL, INC., is a group of independent small-scale miners and prospectors in the Western United States, organized in 1940 and incorporated in 1945. We are affiliated with various other organizations that advocate the well-being of our nation. Our priorities as Americans are to preserve our right to life, liberty and the pursuit of happiness, to preserve our Bill of Rights and to see towards the economic well being of our nation through our endeavors as miners and prospectors.

The following is our statement why Senate Bill 7 should not be passed in any form.

The Western Mining Council has been involved in the "Desert Plan" which took the Bureau of Land Management years to engineer into an overall useful plan which cost approximately eight million tax dollars and a multitude of man hours to complete this subtantial achievement. SB-7 would destroy much of the benefit and effectiveness of the present Desert Plan; and it would be a tremendous waste to our economy if SB-7 were enacted.

U.S. Senate
Subcommittee on Public Lands, National Parks and Forests
(Testimony of WESTERN MINING COUNCIL, INC., re SB-7)
July 9, 1987
Page 2

It is our very strong feeling that it is the tendency of certain special interest groups to, in a sense, destroy or damage the economy of our country through legislation like SB-7. This propensity to erode our civil liberties and property rights should be stopped now! Future legislation that will add restrictions to our lives and take away incentives for the betterment of our economic well being as a Nation, must not be permitted. Since the U.S. National debt is now over a trillion dollars, when do we start back on the road to recovery? Certainly not with Senate Bill 7.

Our organization could point out many other facts and reasons pertaining to this issue. Suffice it to say that the Western Mining Council, Inc., implores the Honorable members of this Subcommittee to be heard, and requests that our faith in the use of common sense be maintained and restored to our Citizenry, the backbone of our Nation, by the defeat of SB-7.

We thank you for your endeavors in our behalf.

Respectfully submitted,

M. C. Montenegro

Mr. M. C. Montenegro, President
Western Mining Council, Inc.
P.O. Box 1053
Sawyers Bar, California 96027

MCM/tm

ORANGE COUNTY CHAPTER
WESTERN MINING COUNCIL

Testimony in opposition to Senate Bill 7 by

Frederic C. Johnson III
Geologist, B.Sc.

Testimony to the U.S. Senate
Subcommittee on Public Lands, National Parks and Forests
Honorable Dale Bumpers, Chairman

July 23, 1987

Mr. Chairman and Members of the Subcommittee:

The Orange County, California Chapter of the Western Mining Council wishes to thank you for this opportunity to express our grave concerns, opposition, and alternatives to Senate Bill 7. The most important goal of the Western Mining Council is to help acquaint State and Federal governments with the needs of the mining industry.

I am Fred Johnson. I have lived and worked in the California Desert near Death Valley for the last 13 years. I am a geologist with a Bachelor of Science degree from California State University at Northridge. I have worked for a major borate mining company in the desert, worked as an individual consultant on mining and geology, and have written publications on geology in the desert for the South Coast Geological Society "Mineral Wealth of the California Desert" and for the Society of Economic Paleontologists and Mineralogists.

The Western Mining Council of California represents the small scale miner and those people who support him and benefit from his efforts toward mineral resource development in California and the United States. Most of the mines that supply the nation's needs for raw materials were discovered and first developed by the efforts of the individual prospector. Prospectors explore the public lands of the west for mineral resource, and now Senate Bill 7 threatens their right to economic existence in the California Desert. In fact, the general public would lose many of their rights on "Public" federal lands under S.7.

The Orange County Chapter of the Western Mining Council opposes Senate Bill 7 in its entirety for the following reasons and we suggest some alternatives:

MINING

Senate Bill 7 would severely curtail exploration and and mineral resource development in the California Desert by placing millions of acres of potential mineral resource lands in Wilderness and National Parks. Most of this massive public land withdrawal would be done without benefit of complete mineral surveys, and no economic ramification studies have been done by proponents.

In the July 29, 1986 and April 6, 1987 Congressional Record, Senator Cranston stated that "The major mineral commodities now being produced in the California Desert are sand and gravel. The California Desert has been intensively prospected for over a hundred years. Most studies show that there is little remaining commercially developable mineralization in the California Desert."

This statement has been proven to be totally false and misleading. Several studies noted in this document prove the Senator's statement wrong. We can only assume that the Senator and his environmental community advisors did not research the economic facts before making the Congressional Record statement or before introducing the S.7 bill.

The U.S. Bureau of Mines in 1986 reports that since 1981, California has been the Nation's leader in non-fuel mineral production, and that 1.3 billion dollars of mineral raw materials (borates, limestone, sodium carbonate, rare earths, diatomite, gold, and last but certainly not least sand and gravel) was produced from the California Desert in 1986. The California State Geologist's office concurs and says that this represents approximately $ 10.5 billion in processed materials.

Recently, the State of California Mining and Geology Board members after reviewing their extensive State funded mineral surveys formally asked Governor Deukmejian to oppose S.7 and companion bills because of their "severe impact on California's ability to produce minerals needed for California industries by removing 10.4 million acres from access to future mineral exploration and development."

Senate Bill 7 calls for designating 7 million more acres than presently recommended by the B.L.M. to the wilderness and National Park lands without any complete mineral reviews or any further study at all. This is a severe "end run" around the Law and the wishes of Congress. Mineral studies were mandated and considered important by the Federal Land Policy and Management Law enacted in 1976 because Congress understood that our nation needed mineral resource development as well as wilderness preservation. The presence of any potential mineral resources in recommended wilderness study areas are to be considered very carefully for possible exclusion from the restrictive Wilderness designation. This important part of the F.L.P.M.A. law was designed to help insure that our nation will keep resource available to maintain a secure economic future at the basic level of its socio-economic structure.

In 1986, over 74 percent of the federally owned mineral lands were highly restrictive or prohibitive of mineral resource development. This figure is developed from studies done in 1976 by the Dept. of Interior's "Task Force on Availability of Federally Owned Mineral Lands" and the addition of subsequent restrictions and withdrawals up to 1986.

In 1976, Volume 1 of the"Final Report of the Task Force on the Availability of Federally Owned Mineral Lands" states in its intensive study of resource and environment that:

Geologic scarcity and depletion make evaluation of hidden mineral deposits difficult: and therefore, access to large areas of the Desert are needed for mineral exploration, although only very small areas are needed for actual mineral resource development (mining). Mining has used less than 0.3 percent of the land in this country in the entire history of resource development for "all mining, including coal, stone, oil, gas, sand and gravel, and metal and non-metallic ores." " The importance of access to Federal land for mineral exploration and development must be considered within the framework of environmental protection and economic needs. In recent years domestic prices, imports and demand for most mineral commodities have all increased." As we have seen in the last 12 years, there has been a decline in this nation's ability to compete in the world market in all resource. Much of this decline is due to the proliferation of capitol costs for new ventures. This stems from intense and proliferating constraints on development and high wages with many benefits for workers. " We must find ways to make mineral resource development compatible with other land uses." Senate Bill S.7 is a no management approach to the land and its complex nature, and the bill should be defeated or withdrawn because of its insensitivity to the needs of our Nation.

I feel that the 1976 Task Force report on Availability of Federally Owned Mineral Lands brought out many good points that still hold true today, and I wish to quote a few of these for the record:

1."In the long run the price of any mineral commodity can be expected to increase as its availability is reduced, either because of growing geologic scarcity or political non-availability.."

2."Ways must be found to accommodate mineral exploration at least for certain mineral commodities within the withdrawn area... Such procedures would require a significant departure from existing ' all or nothing ' policies for many areas..."

3."Only by vastly improving our information base will more informed land-use decisions be made. Without this information decisionmakers cannot assess the capabilities of the Federal lands for producing various goods and services..."

The history of National Park management, mineral resource development in parks and small scale miners and prospectors is best shown by the Death Valley National Monument's treatment of mining claims. Over the past 10 years the legitimate rights of many small claim-holders have been attacked and denied by Park Service actions. There was a massive, expensive, and incorrigible invalidation of many legal claims throughout the Monument from 1979 through 1981. In fact, the U.S. General Accounting Office reprimanded the Park Service for its conduct in this affair. In the last 10 years wrongful invalidations destroyed the small scale miner in Death Valley despite expert and learned witness testimonies to substantial reserves and potential reserves in some of these mines in court. Senate Bill 7 states that all mining claims within newly added park lands will undergo costly validity examinations by the Park Service, and that land (claim) acquisitions may be necessary for the 'Park Mission'. Looking back at the actions of the Park Service over the last 10 years, I cannot help but suspect that the smaller mining operations without the resources to fight expensive legal battles will again become the victims of the 'Park Mission'. Again, Senate Bill 7 strikes out at the public and private rights guaranteed to us in the United States Constitution.

PUBLIC AND ENVIRONMENTAL RIGHTS

After years of work and public comments on land use and protection in the California Desert, the public was not consulted by Senator Cranston or any environmental group prior to the introduction of S.7. The California Desert Plan was a negotiated agreement and compromise between Senator Cranston, preservation groups, and public land users. In keeping with the wishes of Congress and the Federal Land Policy and Management Law the California Desert Plan was developed using extensive public comments. By not allowing the public their right of public review before introduction and by not proposing any public review in land designations, Senate Bill 7 is not only a breach of contract with the public, but it is against the mandate of the federal law. Changes asked for in the bill should use the input and review processes afforded in the California Desert Plan.

The public and man in general need flexible laws to govern complex land management problems. Understanding the special and complex environments of the desert demand flexibility within the law. Each mountain range is a different ecosystem and mineralogic province, and therefore, each range needs separate studies and criteria for balance. Within the F.L.P.M.A. Law there is flexibility to meet the challenges of the future. Senate Bill 7 is an inflexible "stone wall" approach to environment and man that reflects the viewpoints of the few not the many. S.7 will never allow man to balance with nature. The studies on the desert and man are not a one time shot and must continue toward developing a balance. F.L.P.M.A. recognizes this important fact that the study of an intricate balance is on going and needs substantial public support and input. Senate Bill 7 ignores balance in an "all or nothing approach to land non-management. In this aspect, S.7 is against F.L.P.M.A. Law and the wishes of Congress.

Even the title of Senate Bill 7 (Desert Protection Act) is misleading, the concept that one can legislate protection is wrong. Many of the proponent's own constituents are being led to believe that S.7 is a cure all that will protect the Desert, and yet the bill does not even approach appropriations for enforcement of its massive land use restrictions. Respect for the Desert cannot be legislated, it must be taught. If we truly wish to plan for the future, we must teach our children respect, and in the mean time, we can protect with enforcement, not more legislation. S.7 actually legislates against legislation. F.L.P.M.A. is a good law that can be worked with and revised, in part, if later deemed necessary. People are learning this law and plans which use the law, and they are learning to respect the law and the land. If anything is necessary, it is more monetary support and direction for the B.L.M. to increase their ranger force (enforcement funds), and to develop develop educational programs directed to promote understanding and respect for the California Desert. If Congress must consider continued legislation, then why not set up environmental land use and respect classes in our public schools at an early level. All the money already spent on Senate Bill 7 by proponents, opponents, agencies and Senators and Congressmen would have helped the Desert environment greatly if used to enforce the law and educate the public.

Senator Cranston has stated in press releases that his staff has relied heavily on information from environmentalist preservation groups, especially members of the Wilderness Society and the Sierra Club to draft his bill and " I haven't spent much time in the desert. I am discovering how great the desert is." In this vast desert with hundreds of environments and geologic conditions a few trips by Senators, press, and even preservation groups cannot and should not lead to uninformed land-use decisions which may harm our country and our planet.and its people and wildlife. 'Haste makes waste' so let's be careful and stop Senate Bill 7 to support the present protective law which allows time for study and understanding.

RECREATION

S.7 and its companion legislative proposals do not provide alternatives for leisure time activities of the public that will be lost when large portions of the desert are placed in restrictive National Parks and Wilderness. The S.7

legislation would definitely cause unnecessary and undue degradation of the 4.6 million acres of the desert by overcrowding recreational and other uses. This is directly against the Law of F.L.P.M.A. and the intent of Congress.

Although proponents of Senate Bill 7 have conducted a wide spread and sensationalistic media campaign aimed against Off Road Vehicle owners with numerous pictures of vehicles in open and authorized areas. Senator Cranston s S.7 bill does not address any changes in O.R.V. designated areas. The bill does, however, severely curtail vehicle use on the many back roads in the desert and limit access to many areas. Proponents of the bill are quick to point out that they are leaving many roads open, but never mention how many roads will be closed by the bill. S.7 closes many existing accesses to the lands and steals the public's rights of access to areas that should be enjoyed by all. This is called the pursuit of happiness.

CONCLUSION

I and the Orange County Chapter of the Western Mining Council respectfully ask this Senate Subcommittee to request the withdrawal of Senate Bill 7 , and to reaffirm the wishes of Congress to work with the Federal Land Policy and Management Act of 1976 for the balance of man's needs with environmental protection in the California Desert. The U.S. does not need a law that threatens the economy with its costs. We are thankful that the environmental community has made us all environmentalists. We suggest that this community direct their funds away from legislating against good legislation, and towards the environmental threats to man's existence on this planet such as Air Pollution, Overpopulation, and Aids. Stop S.7 and let F.L.P.M.A. work.

Exhib. 4

ALAN CRANSTON
CALIFORNIA

United States Senate
WASHINGTON, D.C. 20510

February 4, 1981

Ms. Sophia Anne Merk
82342 Second Street
Trona, California 93562

Dear Ms. Merk,

Thanks very much for your message re the proposed California Desert Plan. As the sponsor of the legislation mandating the Secretary of the Interior to complete the California Desert Plan by 1981, I'm especially pleased to have your comments.

As you may be aware, in December then Secretary Andrus announced the final plan for the 12.1 million acre California Desert Conservation Area. The final plan recommends 45 areas encompassing over 2 million acres be protected as wilderness. In addition, 75 areas identified as having significant natural and cultural values will receive special management as areas of critical environmental concern. The plan also provides that 505,000 acres will be available for unrestricted off road vehicle use.

While I'm sure there are many who are not totally satisfied, I think this is a balanced plan which should meet the needs of all users of the desert while at the same time protecting the region's unique resources.

Of course success of the California Desert Plan will depend upon its implementation. I'll be working to see that the Bureau of Land Management receives sufficient funds for management of the desert under the plan.

With best wishes,

Sincerely,

Alan Cranston

Alan Cranston

On Rattlers
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follow it) then pull the trigger and that's the end of the rattler. If you don't carry a .410 with you while in the desert (as most of us don't) he strongly suggests that you never go hiking without a hiking stick. You can use the stick to ward off those agressive Mojave Browns and Greens and if your in an area where you cannot pick up a boulder and crush its backbone, then at least you can use the stick. The walking stick can also be used to jab at rabid coyotes or a pack of dogs, should be unlucky enough to be discovered by them alone and unprotected. Ray states that one time he was attacked by five dogs, luckily he had a .22 pistol with him and before it was over he had to kill three of the dogs before the other two fled. It seems to him that there are more wild dogs in the desert than ever before, and he attributes it to people abandoning them there.

Getting back to rattlers. If you are out in the desert and further than one-hour from treatment and should get bitten, DO NOT PANIC. the more excited you get the faster the venom works its way to your heart. If you are bitten apply a constrictive band immediately above (that is, between the bite and the heart), and move it in advance of the swelling. NOTE; the band should be loose enough to permit a finger between it and the constricted limb. Secondly, use the pinching/sucking method to get as much venom as possible from the puncture. Make a single short — no longer than ¼ inch — linear incision through the skin at each fang puncture. Do not incise a bite on a finger thumb or toe. Be sure you have no mouth sores, and suck and spit away as much of the venom as possible. Suction should continue for at least 45 minutes.

Most bites occur on the feet, ankles or calves, so make it a practice to wear high-top boots while in the desert. If you should be bitten and near a phone, dial 911 and explain what happened. Chances are they will air-evac you to the nearest treatment center where some serum is available.

Some other interesting information about rattlers is that they hunt at night, so be sure to carry a flashlight when walking the desert at night. In the early morning and late evening hours they like the warmth of the sun, but during the hottest part of the day they prefer the cooler areas. They also seem to like to build their dens on high ground in order to keep from being washed away by those desert flash floods.

So, in conclusion, have fun, but be careful and carry a big stick while out in the desert.

Furnace Creek Chess Tourney

The second annual chess tournament, a sanctioned match is set for this weekend, May 9-10 at Furnace Creek Inn in Death Valley.

The rounds on Saturday start at 10 a.m., 3 p.m. and 8 p.m. Sunday's play is at 10 a.m. and 2:30 p.m.

Tournament director is Hal Bogner. The Inn is again sponsoring the event.

For Mother's Day
unday Champagne Brunch
Featuring
Baked Ham Baron of Beef
ssorted Salads and Desserts $7.95
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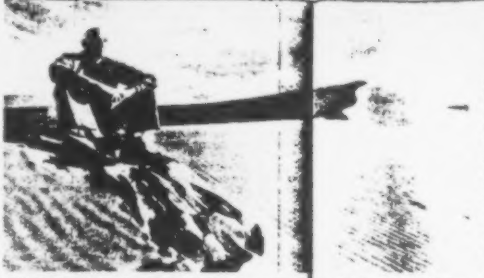
Gateway Gazette
DEATH VALLEY



WHOSE DESERT IS IT — Sen. Alan Cranston, D-Calif., proponent of the so-called Cranston-Sierra Club Desert Protection bill, Senate Bill 7, gazes across the arid of the California desert. Opponents of the plan charge that the environmentalist-supported legislation would turn the now public lands into a private preserve. See story below.

Gazette Photo Courtesy of Inyo Register

Inyo Schools Rank High

A recent report released by the California Department of Education showed that schools in Inyo County, for the most part, have done well in reaching preestablished goals in reading and math as initiated by the State.

Ken Baker, County Superintendent of Schools, reports that 87.5 percent of Inyo third grades, 71.4 percent of the sixth grades and 66.7 percent of the eighth grades met their goals in reading. In the area of math, 50 percent of the third grades, 42.9 perent of the sixth grades and 66.7 percent of the eighth grades met their goals.

Tecopa-Francis Elementary met reading and math goals in grades three and six. Death Valley Elementary met reading and math goals in grade six.

Public Lands Or An Elitist Preserve?

By FRED JOHNSON

Editors' Note: Following is the first in a two-part series on the proposed Desert Protection Act introduced by Sen. Alan Cranston, D-Calif. While its boundaries are restricted to California, the potential impacts are far-reaching into Nevada and other western states. Johnson is a Tecopa-based graduate geologist who has studied the affected desert region for the past 14-years.

Early in the California senatorial election year of 1986, the politically-powerful Sierra Club was successful in its efforts to start a fight with the U.S. Dept. of Interior and many of the public lands visitors and users of the California desert and many are concerned that this fight will spread throughout the western United States.

Incumbement Senator Alan Cransion was in a tight battle to retain his senate seat and the big money backing from environmental preservation groups across the nation awaited his introduction and commitment to the California Desert Protection Act, which is now Senate Bill 7. This bill and subsequently proposed congressional amendments represent the Sierra Club's decision to use taxpayer money rather than public review sessions to usurp an existing law, the Federal Land Policy and Management Act of 1976, and to fight the Bureau of Land Management's (BLM) Desert Plan.

Sierra Club officials claim that the BLM is not protecting the desert, while the BLM and many desert users say the are, indeed, protecting the desert under the present law. This, obviously, sets the stat for a major controversy which has resulted in the introduction of four bills in the House of Representatives and the one Senate bill with no end in sight. This legislative confusion threatens to keep congress in costly deliberations well into the 1990s. But before we look at this controversial piece of proposed legislation, let us look at the last 11 years of California desert legislative and management history.

The California desert, as defined by BLM maps and borders, comrises some 25 million acres of private, public and federal lands, including park service and military reserve lands, which fall under the new name of California Desert Conservation Area (CDCA). Of all this acreage, the BLM currently manages than half, or 12.1 million acres to be exact, for you, as public lands.

In 1976, congress passed the Federal Land Policy and Management Act to give guidelines to BLM for the management of public lands in the western United States. An area specifically affected by this act was the California desert, now the target of the Cranston bill.

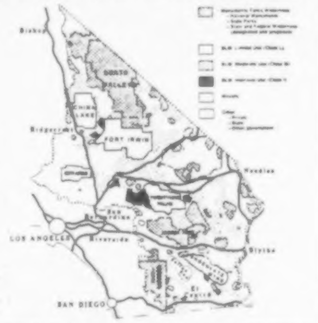
By 1980, four years and $8 million later, with the use of regional studies and public comments from a wide range of people and groups interested in the desert, the BLM adopted its present California Desert Plan as a basic management outline for on-going studies on desert protection, land use, land management and resource conservation within its 12.1 million acre area of responsibility.

Since then, underguidelines of the federal act and management criteria of the Desert Plan, the Interior Department has been conducting a constant stream of studies attempting to evaluate and designate the best uses for our public lands.

The present protective management concept and use of the federal law in the desert conveys a policy of multiple use for the public on public lands, except wilderness and some designated "areas of critical environmental concern."

Wilderness and withdrawn lands will become "protected" lands which can be used for backpacking, fishing and hunting only. No roads are allowed within wilderness area boundaries.

CURRENT CALIFORNIA DESERT PLAN



Presently, the BLM is recommending almost two million acres of wilderness in the CDCA and more than 65 percent of the public lands are managed under controlled and limited use classifications. Multiple use areas in the desert come under management guidelines which allow varied land uses in a responsible fashion, protect natural wilderness-type resources, allow continuing public review on all public lands and also all economic growth through responsible resource development and land management.

When all remaining studies on recommended wilderness study areas are complete, somewhere between 1988 and 1990, the BLM will give its final recommendation to congress to decided what finally becomes wilderness land and what remains multiple use land. This entire plan, which we the taxpayers, will have spent hundreds of millions of dollars on, will be final as law when Congress makes these decisions after 1991.

Next week: A look at the Cranston-Sierra Club Desert Protection Act.

SAVE OUR DESERTS

Sue from Me to You:
What the Witch Doctor said to do and say, "Ting tang, walla walla bing bang." Have a "Happy Mother's Day."
Love Kevin

Wilderness: Public Land Or Preserve For Elitists?

Part II of a Series

By FRED JOHNSON

Editors' Note: Following is the second of a two-part series on the proposed Desert Protection Act introduced by Sen. Alan Cranston, D-Calif. While its boundaries are limited to neighboring California, the potential impacts have far ranging consequences for Nevada and other western states. The author is a Tonopah-based geologist who has studied the affected desert region for the past 14 years.

Having covered the background of the current California Desert Plan in a previous article, we now look at the Cranston-Sierra Club's "Desert Protection Act of 1987."

It designates some 8.8 million acres of desert to wilderness status (4.3 million acres in 85 Bureau of Land Management (BLM) managed wilderness areas, and 4.5 million acres in National Park wilderness), adds 1.4 million acres to Death Valley National Monument and changes it to full National Park status, designates a new 1.5 million acre National Park in the East Mojave desert (now protected and managed under the new East Mojave National Scenic Area), and adds 245,000 acres to Joshua Tree National Park with no call for review, study or public comment.

The wilderness and National Park additions would be taken from the 12.1 million acres of public land in the California Desert Conservation Area (CDCA), and leaves 4.6 million acres for public land which must remain available for land swaps for blocking up more parks and wilderness land. For all the tax money we have spent over the last 10 years, this bill leaves the taxpayer with one-sixth of the California desert for use, and leaves no doubt that government withdrawals from the public land will not stop here.

Under the Cranston Bill, all mining claims in new park or wilderness lands must undergo costly validity examinations (some could be expected to result in lengthy court battles) within two years of passage. Camping within new National Park lands will be confined predominately to developed camp grounds only, because nearly all of the new parks lands also will be wilderness.

Passage of the California Desert Protection Aq of 1987 will, essentially, put most of the California desert into federally-owned and controlled-restricted use lands consisting of Wilderness, National Parks and military reservations. Most certainly, this type of bill would destroy a large portion of California's $1.2 billion a year industrial minerals industry and all the jobs that go with that portion of the local and national economy.

Proponents of this bill state that access to wilderness areas is no problem because of many bordering roads, that mining can continue in wilderness and park areas, and that the economic effects of the bill are negligible. When asked about losing the multi-million dollar economic mineral resource in the California desert, Sen. Cranston stated in the *Congressional Record* "The major mineral commodities now being produced in the California desert are sand and gravel," and went on to say that "Most studies show that there is little remaining commercially-developable mineralization in the California desert."

In response to those statements, the Interior Department quoted a Bureau of Mines study stating that a $1.2 billion industry existed in the same desert region, and gave examples of operating rare earth, borax, gold and industrial mineral mines. The Department further pointed out major new finds and potentials for more.

When Sierra Club president Jim Dodson was interviewed by the Wilderness Society and asked why he was concentrating on so much wilderness in the desert, he answered: "In this age you can never have enough wilderness."

In a recent media blitz, Cranston-Sierra Club bill supporters depict themselves as "environmentalists" and claim that masses of desert creatures and the 12.1 million acres of desert itself are being laid waste by off-road vehicles and miners. These preservationist groups give the impression that the BLM is not stopping anyone from destroying the desert. Not so, says the Secretary of the Interior and BLM, along with miners, ranchers and RV enthusiasts, who claim responsible management and their own environmental consciences.

The BLM states that the California Desert Plan has a good flexible and protective framework that the desert visitor and user respects. Further, they state that violations of the regulations are few compared with the immense size of the area. The BLM desperately needs funding for more rangers for enforcement and for more public education programs. After all, in an area of this size — approximately the same as the state of Kentucky — only public respect for land values can protect the desert.

During an Apr. 30 press conference in Universal City, Calif., Interior Secretary Donald Hodel blasted the Cranston Bill (S-7) with statements that the proponents of the bill are misleading the public with inaccurate concepts of wilderness.

"Wilderness areas are not open for any kind of use other than human muscle power. Wilderness is very restrictive," he said. "Those who represent that the land will continue to be available for multiple use are spreading falsehoods."

He stated further that Cranston and the bill's supporters are attempting to mislead the public, and that "it is wrong that people in public positions should do that kind of thing."

"I submit that the person (Cranston intended) whose view is that all of that kind of activity (land use) belongs to the government is the same kind of person, who in some authoritarian way, would very happily decide what are appropriate and inappropriate activities for Americans to carry out as well, Hodel continued. "That's not what this country is all about, and certainly not what the west is all about."

The National Park Service (NPS) at Death Valley Monument supports the portion of the bill that upgrades Death Valley to a national park, but they feel the BLM is doing a good job of managing the lands outside and bordering the monument. Supt. Ed Rothfuss stated that park expansion under the Cranston bill could mean up to 25 additional rangers at a cost of about $900,000 a year to taxpayers.

Although Sen. Cranston narrowly won re-election to the Senate by 110,000 votes out of seven million, he lost heavily in every desert county. This, without question, reflects the views of desert dwellers, ranchers and miners. In fact, more than a dozen counties, local chambers of commerce, the State Chamber of Commerce and the Southern Regional Association of Counties have publicly opposed Senate Bill 7.

New coalitions to fight the bill are springing up all over California and Nevada, whose land will be next in line if this trend is established. Their battle cry is "No Compromise," quite the contrary to the Cranston-Sierra Club camp.

Supporters of the proposed legislation are trying to strike deals with anyone who is willing to talk about individual concerns inside wilderness boundaries on their set Cranston bill maps. So far, no takers. In fact, even government officials, such as the U.S. Geological Survey Mineral Resources Division, are miffed because they can't get copies copies of proposed individual area maps of the Cranston-Sierra Club proposal through any public source. They are, however, on sale from the Sierra Club for $125 a set.

The current Federal Land Policy and Management Act of 1976 is a mature and tested law with plans that call for upgrading by evaluation of public input comments. This keeps the public rights in "public" land. If we really care about our public land, we have to work at keeping it a good place for humans and the environment.

What can you do about it? Write your congressman, the Secretary of the Interior, the BLM; go to public meetings and express your ideas, likes and dislikes. Let's stop piling on tax-spending, irresponsible government legislation.

No single group can or should try to manipulate land policy. The freedom of *our* desert belongs to all of us.

DV Weather

The storm front that traveled through Nevada Tuesday (May 12) swept into Death Valley cutting the power lines there. The area was with electricity for almost eight hours.

The high for the week was 107 with a low of 80. Matching the season high of April 27, the low for the week was 100.

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Pahrump, NV 89041

7th Annual Jim Butler

Summit Run

For 1987

Sponsored by: Nevada Beverage and the Tonopah Chamber of Commerce & Mines

The Summit Run will start and finish at the Mizpah Hotel on Sunday, May 24. Registration fee is $5 if received by May 15. Late registration (when checking in) is $7.50 at the starting line at 7:30 a.m. on May 24. Additional information can be obtained from the Tonopah Chamber by writing them at P.O. Box 869 or phoning (702) 482-3859.

Divisions will be: 10 and under; 11 to 15 years; 16 to 19 years; 20 to 29 years; 30 to 39 years; 40 to 49 years; 50 to 59 years; 60 and above, men and women, each run.

T-shirts will be awarded to all finishers along with awards to first male and female finisher of each run. Awards will also be presented to first three finishers, both male and female, for each division of the run.

Split times: 10 K — one mile and one mile from finish; 2 miles — one mile. Free refreshments to all finishers at awards ceremony.

Summit Run Entry Form

Return to: Tonopah Chamber of Commerce & Mines
P.O. Box 869, Tonopah, NV 89049

Name ____________________
Please print Last (First)

☐Male ☐Female Date of Birth__________ Division__________

Distance: 10 K __________________

FEE: $5 if received by May 15, 1987. $7.50 after May 15, 1987

Make checks payable to: Tonopah Chamber of Commerce and Mines

Shirt Size ☐Small ☐Medium ☐Large ☐X-Large

Release Statement

In consideration of your accepting this entry, I, the undersigned, intending to be legally bound hereby, for myself, my heirs, executors and administrators, waive and release any and all rights and claims for damages I may have against the Tonopah Chamber of Commerce and Mines, Inc. and any other sponsor or individual associated with the "Jim Butler Days Summit Run — 10 k and 2 mile," their representatives, successors and assigns for any and all injuries suffered by me in said event. I will additionally permit the free use of my name and photographs in broadcasts, telecasts, newspapers, brochures, etc. I acknowledge that I am aware of the risks involved and I have sufficiently trained to compete in an event of this type.

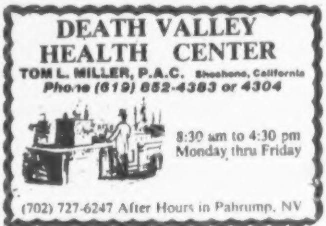
Signature in full____________________
Parent or Guardian, if under 18

Jim Butler Days

25K Bicycle Race

Registration Form

Fill out this entry form and return it with your $10 registration fee before May 23. Registration fees the day of the race will be $15. Send registration fees and forms to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(702) 727-6247 After Hours in Pahrump, NV

Published July 1987

6/23/87

Fred Johnson
P.O. Box 246
Tecopa, CA 92389

Editor
Inyo Register
Chalfant Press
P.O.Box 787
Bishop CA 93514

Dear Editor and Death Valley Superintendent Ed Rothfuss:

I am a geologist in the Death Valley area, and I have worked in this part of the desert for the last 14 years. During most of this time I have worked at one of the few operating mines in Death Valley National Monument, which is presently shut down.

I am writing this letter in response to the subtle but very misleading letter from Death Valley Superintendent Rothfuss that appeared in the June 12, 1987 Register. I would like to bring to light the types of problems that will result if a bill like the Cranston Desert Protection Act is allowed to replace the existing legislation of the Desert Plan and the Federal Land Policy and Management Act Law of 1976.

Superintendent Rothfuss' letter leaves no doubt that he is in favor of the Cranston Bill, which will change Death Valley National Monument to a National Park. I agree with his statement that there would be few regulation changes due to this status change. The problem lies in the way that these regulations have been applied in the past, and in the additional restrictions that will be imposed by the Cranston Bill.

In his letter, Superintendent Rothfuss gave examples of operating mines in Death Valley. He said that the Park Service has recognized the legal rights of the holders of valid claims, and that history shows mining can be done in a National Park or Monument. I would like to recall some experiences with the National Park Service that show Mr. Rothfuss' statements to be misleading.

Mr. Rothfuss states that "in the past 10 years 65 of the 66 plans submitted by mining companies have been approved", which seems to imply that most claim holders have been allowed to keep their claims and continue with their plans. The truth is that most of the approved plans were submitted by the FEW large mining companies operating in the Monument. Over the past 10 years, legitimate rights of many smaller claim holders have been attacked and denied by Park Service actions.There was a massive, expensive, and unscrupulous invalidation of many legal claims throughout the Monument from 1979 to 1981. In fact, the U.S. General Accounting Office reprimanded the Park Service for its conduct in this affair. In the last 10 years wrongful invalidations were carried out on the Jubilee, Oro Alta, Golden Treasure (Ashford), Kyanite Queen, Lazulite Queen, Roy Hunter's claims in Lemoigne Canyon, and others, despite the fact that expert witnesses, such as geologist Bennie Troxel, testified to the substantial reserves and potential reserves of some of these mines in court.

In the light of Mr. Rothfuss' assurances, it is also interesting to consider the current state of mining in Death Valley. There are NO active mines at present. The only remaining mines are the [illegible] by large companies with a lot of money to fight legal battles, and with too many claims for the Park Service to buy out. Current claim holders in the valley are U.S. Borax Company, American Borate Company, Pfizer Talc, and the Bullfrog Mine.

The Cranston Desert Protection Act proposes to add approximately 2 million acres to Death Valley National Monument, which will then become a National Park. The majority of the land added to the park will be classified as wilderness, which severely limits access for use. The Cranston Bill specifically states that all mining claims inside the Park will be required to undergo costly validity exams performed by the Park Service, and that land (claim) aquisitions may be neccessary for the Park mission. Looking back at the actions of the Park Service over the last 10 years, I cannot help but suspect that the smaller mining operations without the resources to fight expensive legal battles will again become victims of the "Park Mission". Despite Superintendent Rothfuss's assurances, can we believe that the National Park Service has had a change of heart?

The debates over the Cranston Bill will take years, and cost many tax dollars for legislator's time. All of this money is being spent to "protect" an environment that is already adequately protected by existing law. We cannot legislate respect for the desert lands by instituting more restrictive laws. A law is only as good as public support and enforcement make it. We should be spending our money to enforce laws we already have, and to improve environmental education programs to teach respect for the land. Should we say that because a few people abuse the land, we should limit legitimate use by all? Isn't it better to regulate the abuses, and to allow reasonable multiple use ?

I love our National Park and Wilderness system in the United States. It was a much needed protection of many special areas. There are now over 80 million acres of national Parks, nearly 100 million acres of wilderness, many million acres of proposed wilderness, and 54 million acres of National Wildlife Refuge. Now is the time to stop the removal of land from public use. In most areas we have enough non-use land. Let's use responsible land management for multiple use and continued protection. In this day and age we must remain competative in the world resource market, or suffer grave economic consequences. We just cannot afford to lock up 2 million more acres of land in Death Valley in National Park and Wilderness.

Superintendent Rothfuss, let's find another bill to change Death Valley from a monument to a park. Please let us keep public lands open to multiple use by the public.

Sincerely,
Fred Johnson
Geologist
Tecopa, CA

cc: Ed Rothfuss

CALIFORNIA DESERT CONSERVATION AREA

Sec. 601. (a) The Congress finds that —

(1) the California desert contains historical, scenic, archaeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;

(2) the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the California desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archaeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California;

(4) the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the public lands in the California desert; and,

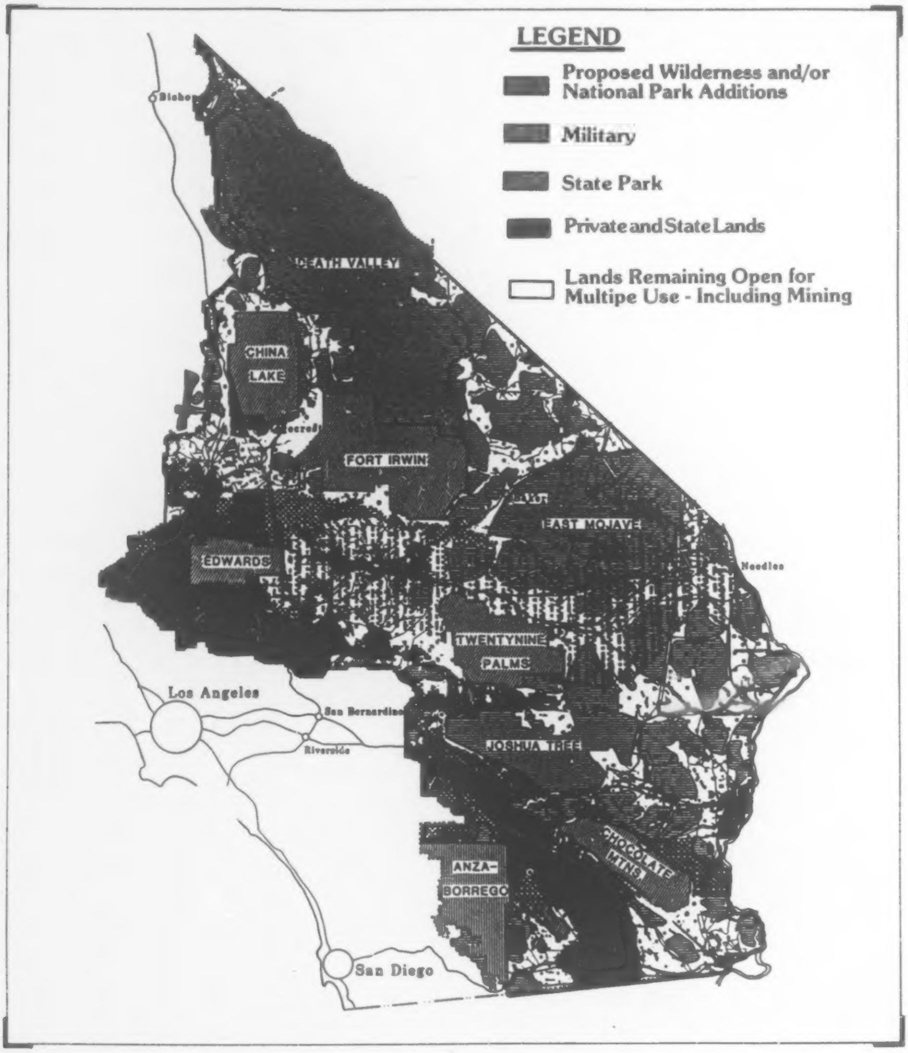
(6) to insure further study of the relationship of man and the California desert environment, preserve the unique and irreplaceable resources, including archaeological values, and conserve the use of the economic resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must be provided to the Secretary to facilitate effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality.

United States Department of the Interior

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under the United States administration.

WILDERNESS/PARK EXPANSION PROPOSAL IN CALIFORNIA DESERT CONSERVATION AREA BILLS NO. S-7 and H.R.-371


LEGEND
Proposed Wilderness and/or National Park Additions
Military
State Park
Private and State Lands
Lands Remaining Open for Multipe Use - Including Mining
Bishop
DEATH VALLEY
CHINA LAKE
Ridgecrest
FORT IRWIN
EAST MOJAVE
Needles
EDWARDS
TWENTYNINE PALMS
Los Angeles
San Bernardino
Riverside
JOSHUA TREE
CHOCOLATE MTNS
ANZA-BORREGO
San Diego

DESERT
SURVIVORS

July 22, 1987

The Honorable Dale Bumpers
229 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bumpers,

I enclose a report on The Management of Areas of Critical Environmental Concern (ACECs) in the California Desert for entry in the written record of the Public Lands Subcommittee Hearings in S. 7. Despite the congressional mandate to give priority to the protection of ACECs, the Bureau of Land Management (BLM) has not substantially halted the destructive uses in those areas.

The draft California Desert Conservation Area Plan expressed five out of six goals for the ACEC Program in terms of protection. The sixth goal stated that compatible uses would be allowed only to the extent that they did not conflict with the protective goals. The final plan, however, included one broad goal to identify and protect ACECs, or to monitor them, and one to provide for other compatible uses. "Every effort" was to be made to avoid "unnecessary and unreasonable restrictions" on use as long as the "basic intent" of protection was assured.

BLM's policies since the adoption of the plan have reflected the casual attitude toward protection implied by the weakened language. Identification and monitoring are stressed but protection yields to other uses. While many Desert Plan Amendments designated new ACECs or extended the boundaries of established areas, almost all of the amendments which applied to uses within ACECs have deprived the critical environmental resources of protection. Plan amendments for particular areas have authorized off-road vehicle races and other use, sand and gravel mining, and increased grazing.

In ACEC management plans and actual management, BLM does not substantially forbid conflicting use. While an occasional route may be closed, vehicle access into sensitive areas is almost never effectively prevented; several areas including the largest area in the Desert, are essentially off-road vehicle parks. Fuelwood gathering is a continuing problem in several areas; BLM has made only mild effort to curtail it. A new road and large parking area were allowed in an ACEC to accommodate a

1717 Camino Verde · Walnut Creek, CA 94596

motion picture production company. Enforcement, particularly of vehicle trespass, is not aggressively pursued.

While BLM public relations literature emphasizes the ACEC program, the agency's management provides only toothless protection. Stronger protection policies must be developed, but will always be subject to administrative caprice. It is thus crucial that Congress provide a solid layer of protection for those ACECs for which wilderness or National Park status is proposed, by passing the California Desert Protection Act.

Sincerely,

Donald M. Falk
President

1443

DESERT
SURVIVORS

RETREAT FROM PROTECTION:
MANAGEMENT OF AREAS OF CRITICAL ENVIRONMENTAL CONCERN IN THE CALIFORNIA DESERT CONSERVATION AREA

Donald Falk

July 16, 1987

1717 Camino Verde · Walnut Creek, CA 94596

I

INTRODUCTION

Areas of Critical Environmental Concern (ACECs) were created as a management element in the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA Section 103(a) defined ACECs as "areas within the public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards." Section 102(a)(11) directed that "regulations and plans for the protection of public land areas of critical environmental concern be promptly developed." Section 201(a), mandating an inventory of public lands and their resource values, gave priority to ACECs. While this section stated that "the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands," Section 202(c)(3) directed the Secretary of the Interior to "give priority to the designation and protection" of ACECs in the development and revision of land use plans (emphasis added).

While the Bureau of Land Management (BLM) in the California Desert Conservation Area (CDCA) has set an agency-wide example by identifying and designating eighty ACECs, the level of protection afforded by the designation has been inadequate and inconsistent. BLM has hesitated to prevent or significantly curtail uses which conflict with ACEC objectives. Since the CDCA plan was in draft form, BLM has backed away from protective goals in an effort to keep ACEC status from restricting multiple use. ACEC management prescriptions tend to lack teeth; impacts are often monitored rather prevented.

II

ACECs IN THE DEVELOPMENT OF THE CALIFORNIA DESERT PLAN

ACECs were given a separate section or chapter at all stages of the development of the California Desert Plan; they were not considered among the formal "Plan Elements," however. BLM's commitment to designation of ACECs was evident from the inclusion of the same ACECs through all proposed alternatives in the February 1980 CDCA Draft Plan Alternatives and Environmental Impact Statement. The number of ACECs also grew from 50 in the draft plan alternatives, to 73 in the September 1980 Final EIS and Proposed Plan, to 75 in the final CDCA Plan. The commitment to protective management eroded considerably between the draft and final plans, however.

The draft plan listed six objectives for the ACEC program. Five of these addressed in some detail the types of resources to be protected, naming critical wildlife habitat, rare or unusual plant assemblages, outstanding natural features, geologic and paleontologic resources, and Native American resources, in addition to the broader criteria stated in FLPMA. Each of these strongly phrased objectives began with some variation of the words, "To protect . . ." The sixth objective stated, "Compatible uses will be allowed to the extent they do not conflict with the 5 objectives stated above," (Draft Plan, p.165).

The proposed plan, although continuing to recognize that ACEC management prescriptions override multiple use class guidelines for the areas in which ACECs are located, revised the objectives of the ACEC program to a more use-oriented perspective. Instead of a catalogue of features worthy of ACEC protection, there was a single goal requiring that "significant natural and cultural resources requiring special management attention" be identified and protected. (Proposed Plan, p. P-96). The second of three goals was to "[p]rovide for other uses in the designated areas, compatible with the protection and enhancement of the significant natural and cultural resources." Monitoring the preservation of resources and compatibility of uses allowed was the last goal. This shift from emphasis on protection to an even emphasis on identification and protection, encouragement of use, and monitoring, was adopted verbatim in the final plan (Plan, p.123). No longer were uses to be allowed only if they did not conflict with the preservation objectives of an ACEC, but "every effort" was to be made to avoid "unnecessary and unreasonable restriction" on compatible uses (Proposed Plan, p.P-98; Plan, p.124). BLM declared, "Quite often, development . . . will take place in these areas if the basic intent of protection . . . is assured." The priority for protection mandated in FLPMA had receded behind rationales for development in ACECs.

The general management requirements outlined in the different versions of the plan also reflected BLM's retreat from protection. The draft plan chart (pp.16870) contained a column headed "Prohibit/Control Mining," and called for full or partial mineral withdrawals in 17 ACECs and other control measures in 9 others out of 50 areas proposed; thus some form of mining control was planned for 52% of the ACECs. The proposed plan (pp.P-99-100) had a weaker heading, "Restrict Mineral Exploration and Development," and called for this action on only 14 of 73 ACECs, or 19%, with only seven withdrawals. This rose to 15 of 75 areas, or 20%, in the final plan (pp.125-26). The heading in the draft plan, "Control Vehicle Use," applied to 46 areas, or 92%. The later versions read, "Control and Sign Vehicle/User Access," and applied to 65 areas in both the proposed and final plans, or 89% and 87% respectively. Among those areas for which proposed vehicle restrictions were dropped were Ft. Piute, Surprise Canyon (Panamint City), and the Desert Tortoise Natural Area, all of which eventually experienced adverse vehicle impacts. A prescription to control grazing was added between the draft and proposed plans, but was applied to only seven areas.

Conclusion

In the course of developing the California Desert Conservation Area Plan, BLM backed off from its original protection-oriented objectives in favor of allowing uses whenever the "basic intent" of protection was assured. Instructing that uses be provided for rather than merely allowed, this policy deprived protection of ACEC resources of the priority in land use decisions required by FLPMA. The tabular outlines of management prescriptions contained in the revisions of the plan reflect this weakened emphasis.

III

ACECs IN DESERT PLAN AMENDMENTS

The annual amendments to the California Desert Plan have affected ACECs in three ways: (1) designations and deletions of entire ACECs; (2) additions to and reductions of territory within individual ACECs; (3) land use management decisions affecting all or part of individual ACECs. The last category is the most significant, as it reveals the lack of priority given to the protection of ACEC resources in actual planning decisions.

Five new ACECs totalling about 10,000 acres were created through plan amendments from 1982 to 1985. Three ACECs were deleted in 1981 after historic structures forming the basis for two of the areas were found to be on private land, while the third was alleged to be devoid of the significant cultural resources it was designated to protect. Eleven areas were enlarged a total of 45,000 acres, two-thirds which are in the off-road vehicle-infested Yuha Basin ACEC. Four ACECs were reduced, including one which was split into two ACECs aggregating less acreage than the original area. These reductions, which amounted to nearly 7,000 acres, were explained by BLM in terms of improving management effectiveness or shifting ACEC status from inappropriate to appropriate resources; the removal of Tecopa Hot Springs and over two miles of the Amargosa River from ACEC status in the course of dividing Amargosa Canyon/ Grimshaw Lake into two ACECs, and the deletion of two-thirds of the Pilot Knob ACEC, appear aimed at placating ORV users, however, while the removal of Zinc Hill from the Darwin Falls ACEC was an open concession to mining interests.

The predilection of BLM to bow to pressure from consumptive use interests at the expense of protecting ACECs is demonstrated less equivocally in the amendments which affected actual management of ACECs. Fifteen such amendments were adopted from 1982 to 1984. All but two exacerbated impacts on ACECs.

Of seven amendments affecting ORV impacts on ACECs, six tended to increase potential vehicle damage to ACECs. These included the approval of the Barstow to Vegas race course through the Clark Mountain and Soda Springs ACECs, the opening of Harper Dry Lake to vehicle use, and the desert-wide expansion of the allowable zone for stopping, parking, and camping from 100 to 300 feet on either side of roads. One amendment closed Cronese Lakes to vehicles, but was diluted to require designation of routes allowing access around the lakes in both wet and dry seasons. An amendment offering a buffer zone for Soda Springs ACEC by closing Devil's Playground was rejected.

Four amendments increased grazing pressure in ACECs. Grazing allotment expansions encompassed the Mesquite Hills/Crucero and part of the Afton Canyon ACECs. Class changes allowing longer grazing seasons and significantly increased numbers of stock were approved for allotments including Cronese Lakes and part of Afton Canyon ACECs.

Two Multiple Use Class changes affected ACECs. The 278-acre Soggy Dry Lake Creosote Rings ACEC was upgraded from Unclassified to L (Limited). Over 6,000 acres of desert tortoise habitat in the Chuckwalla Bench ACEC was changed from Class L to the much less restrictive Class M (Moderate). BLM stated that the change was "in greater accordance with the on-the-ground situation." The ACEC values were given so little priority that not only were no attempts made to mitigate or curtail user impact, but the basic use classification was changed to institutionalize such impact and make further impacts more likely.

Two 1984 amendments authorized sand and gravel mining was in the Lake Cahuilla No.2 and Lake Cahuilla No.5 ACECs. The sand and gravel deposits occur in the ancient shoreline which contains the cultural resources the ACECs were designated to protect. BLM gave precedence to the proposed East Highline Sand and Gravel Extraction Management Plan, which called for use of the material. The "priority" given to ACEC protection did not even exceed that of a proposed plan.

Conclusion

While BLM has continued to designate ACECs and has enlarged many of them, protection has continually fallen victim to user desires. The requirement to give priority to ACEC resource protection has not been honored in the plan amendment process.

IV

ACEC MANAGEMENT: PLANNING AND PROBLEMS

Management of ACECs presents a range of challenges as diverse as the eighty California Desert ACECs themselves. To assess the commitment of BLM to protect ACEC resources through specific actions, we have examined over twenty-five management plans. About half of these are wholly or partly within areas which would be designated wilderness or National Parkland under the California Desert Protection Act, but which would receive no additional management protection under the CDCA Plan. The Special Interim Management Prescriptions for 72 eventual ACECs (Appendix IV to the Final EIS and Proposed Plan) provide further insight into BLM intentions. These prescriptions were to guide management until final plans for each area were complete. BLM has yet to finish several ACEC Management Plans; others were not copied and forwarded in time for inclusion in this report. Finally, management problems and adverse impacts reported by various observers figured in this review.

Twelve of the management plans reviewed covered ACECs all or part of which are proposed for wilderness or National Park status in the Desert Protection Act but are not recommended for further protection by BLM. Grazing occurred on six; only one plan provided for active mitigation beyond monitoring. Eleven areas had some form of mining activity. One plan called for full withdrawal from mineral entry. Three recommended withdrawals of substantial amounts of ACEC territory. Four plans included small withdrawals, and three did not restrict mining. Limitations on actual or planned operations were not outlined; administration policy has delayed the proposed withdrawals as well. Vehicle use was restricted substantially in four ACECs; seven had more limited restrictions or route closures; one had no vehicle restrictions; and none were entirely closed. The Barstow-to-Vegas approved race course passes through two of this group of ACECs, while other competitive events and free play are permitted in a third. Hunting and shooting were noted in eight ACECs. Hunting was prohibited in a small area of one and went unregulated beyond state requirements in the rest. Target shooting was prohibited in one entire ACEC and in small parts of three others; in the rest there were no restrictions. Firewood cutting was forbidden in part or all of five ACECs, but gathering dead and down fuelwood, a rare resource in the desert, was permitted in all; two plans contemplated proscribing this as well, however.

Many of the ACEC management plans reviewed represented retreats from more protective requirements in the Special Interim Management Prescriptions. Interim prescriptions for the Amargosa Canyon ACEC had envisioned further mineral withdrawals and restriction of motorized access to landowners and authorized persons; both ideas were abandoned. A proposed fuelwood prohibition at Piute Creek ACEC was similarly dropped. The proposed elimination of burros in the New York Mountain ACEC was downgraded to a census of the beasts. The Panamint Springs Resort diverts water from Darwin Falls ACEC, a sensitive and beautiful riparian area. The interim prescriptions called for cancelling or acquiring these water rights; the final plan recognized the rights without proposing further action. The Yuha Basin ACEC interim prescriptions called for limiting vehicle use to approved routes, but the final plan diluted this requirement by stressing that every route not in direct conflict with sensitive resources should be approved. An interim prescription for increased law enforcement patrol was revised to call only for increased BLM presence, including ranger patrols.

The Yuha Basin ACEC is only one of several in which broad concessions have been made to use interests in the course of management plan development or actual management. The Yuha Basin plan is largely devoted to guidelines for casual and competitive ORV use. Though travel is nominally limited to liberally designated routes, actual use predictably spills over into cross-country travel. In Jawbone/Butterbredt ACEC, the former hunting and birding sites Dove Springs and Jawbone Canyons have been allowed to continue as ORV open areas, with much spillover off designated routes into the still viable wildlife habitat elsewhere in the area. These two ORV-centered ACECs account for nearly a one-third of ACEC acreage in the California desert.

The Soggy Dry Lake Creosote Rings ACEC has yet to provide any real protection for its collection of some of the oldest living plants. The area is supposedly closed to vehicle travel, and fencing was approved for some of the oldest rings, but BLM is now reluctant to expose the creosote rings to vandalism by identifying them with a fence. As the agency also declines to fence or barricade the entire ACEC to provide a buffer zone for the oldest rings, ORV cross-country travel continues in the ACEC.

Cronese Lakes, which a 1983 CDCA Plan amendment "closed" to vehicle travel except for routes giving access to areas around the lakes, in fact had substantial routes traversing each playa designated in the 1985 ACEC Management Plan. The Barstow-to-Vegas race course traverses a small section of the ACEC; the ACEC management plan proposes to monitor the race's effects.

The New York Mountain ACEC Resource Management Plan acknowledges the damage done by casual ORV use, yet the plan closes only a few small segments of routes in one extremely sensitive area, Fourth of July Canyon. The routes remain open far enough into the canyon to ensure continued problems. Routes into Caruthers Canyon, equally sensitive, are not limited in any way. Further, all routes in the ACEC not identified in the designation process are to remain open until designated. The Clark Mountain ACEC Resource Management Plan called for no route closures whatsoever beyond the rugged area closed in the CDCA Plan, undercutting the intent of the manage prescription for route designation to help protect the extraordinary wildlife, botanical, scenic, and cultural values of the ACEC. Competitive vehicle events including the Barstow-to-Vegas race are allowed within the ACEC. Both New York Mountain and Clark Mountain suffer from excessive fuelwood cutting and gathering which the plans propose to monitor and limit but postpone forbidding.

Afton Canyon ACEC includes a campground directly on the banks of one of the few wet stretches of the Mohave River. This poorly sited facility has become notorious as a place where casual campers risk being shot by careless plinkers or run over by ORV enthusiasts who use the campground as a free-play pit. The river banks and surrounding hills have also been seriously degraded by ORV use which the BLM has been unable to control. A management plan has yet to be completed for this area nearly seven years after designation.

A motion picture production company was permitted to use the Chuckwalla Bench ACEC, an area with significant populations of desert tortoise and several endemic plants. The company constructed a road and left a large trampled area after the hundred-plus vehicles involved departed.

The Desert Tortoise ACEC management plan is being revised and will contain some of the strictest provisions of any such plan. Here, despite signing an fencing, the area's proximity to an ORV open area (and the ORV-oriented West Rand ACEC) has made it vulnerable to severe impacts from vehicles and firearms. The success of the new plan will depend on BLM's will to enforce.

Unfortunately, plans and practice both show a reluctance on the part of the agency to take an aggressive role in protecting ACEC resources. While budget constraints significantly limit ranger patrols, BLM policies make the problem more complex. As noted previously, grazing impacts are often monitored but rarely mitigated thoroughly. Sand and gravel extraction are allowed to take precedence over cultural resource protection. ORV regulation violators can expect equal consideration. The word "enforcement" is as rare in ACEC management plans as elsewhere in BLM documentation. The agency response to a comment on the Jawbone/Butterbredt plan asking about enforcement of ORV rules indicates the agency's attitude: "Vehicle users found violating the guidelines could be given either a verbal or written warning or, if repeated violations occurred, a [citation]." Given the infrequency of ranger patrols, it would take a stubborn ORV rider indeed to earn a ticket.

Conclusion

BLM ACEC management plans propose to monitor the effects of competing uses, but actions to prevent or reduce damaging uses are inconsistent and largely inadequate. BLM's management of ACECs lacks both the will and the funds to make protection of the critical resources the foremost priority.

V

CONCLUSION

Sufficient protection of Areas of Critical Environmental Concern in the California desert can be achieved in two ways. First, BLM must revise the objectives of the ACEC program, along with the provisions of the specific ACEC management plans, to give protection of the natural or cultural resources the priority mandated by FLPMA. Only non-conflicting uses must be allowed; no longer should the agency attempt to modify or reinterpret almost every use to be compatible with ACEC goals. ACEC designation confers considerable management discretion on the agency. Strictly protective management prescriptions combined with adequately-funded enforcement in the field could quickly lend meaning to the ACEC designation.

This solution, however, depends on the whims of BLM administrators and presidential administrations; mineral withdrawals, for example, have been essentially stymied during the Reagan years. Thus it becomes crucial that Congress provide a permanent layer of protection on those ACECs where wilderness designation or inclusion in a National Park is possible. The automatic mineral exploration withdrawals and stricter standards for mining operations under both designations, the vehicle closures in all wilderness, and the grazing phase-out in National Parks will help raise the lower limits of ACEC protection. Legislative prompting through wilderness and park designations can help move BLM beyond identifying and monitoring ACECs to truly protecting them.

SOURCES

U.S. Department of the Interior, BLM, The California Desert Conservation Area Draft Plan Alternatives and Environmental Impact Statement, (BLM: Sacramento, 1980).

U.S. Department of the Interior, BLM, The California Desert Conservation Area Final Environmental Impact Statement and Proposed Plan, (BLM: Sacramento, 1980)

U.S. Department of the Interior, BLM, The California Desert Conservation Area Plan, (BLM: Riverside, 1980).

U.S. Department of the Interior, BLM, California Desert Conservation Area Plan Amendments, Draft EIS, Final EIS, Draft EA, and Record of Decision, (BLM: Riverside, 1982-85)

Callison, Charles H., Areas of Critical Environmental Concern on the Public Lands, Part II: Record of Performance by the Bureau of Land Management, (Wild Wings Foundation: New York, 1986).

ACEC MANAGEMENT PLANS REVIEWED

Eureka Valley Dunes
Saline Valley
Darwin Falls
Surprise Canyon
Great Falls Basin/ Argus Range
Amargosa Canyon
Grimshaw Lake
Clark Mountain
Jawbone/ Butterbredt
Desert Tortoise Natural Area
Mountain Pass Dinosaur Trackway
New York Mountains
Rock Spring
Piute Creek
Harper Dry Lake
Calico Early Man Site
Soda Springs
Soggy Dry Lake Creosote Rings
Iron Mountain Divisional Camp
San Sebastian Marsh/ San Felipe Creek
Yuha Basin
Lake Cahuilla Shoreline (East Mesa Segment)
Singer Geoglyphs
Indian Pass
Plank Road
Cronese Lakes
Mopah Spring
Table Mountain

Sierra Club - Mojave Group

P.O. Box 1062
Phelan, California 92371

Re: THE CALIFORNIA DESERT PROTECTION ACT [S.7] 7/23/87

From: Scott Simons
Conservation Chairman
P.O. Box 1062
Phelan, California 92371

The Mojave Desert, where I live, is a very strange place.

Its most prominent tree, the Joshua Tree, is really a lily.

Its most common shrub, the creosote, turns out to be the rarest of all living things on this planet - a living plant which can grow to be 12,000 years old.

Many folks consider it a dull wasteland, yet it has more startlingly diverse landforms and ecosystems than any other part of California.

The Mojave Desert is a special place that, once discovered, draws a person ever deeper into its heart - and that heart, the proposed Mojave National Park, is mysterious.

The Cinder Cones Wilderness Study Area, for instance, contains thousands of acres of cinder cones, lava flows, lava tubes, and basalt. It is the kind of wilderness you'd expect might be used to train astronauts for moon landings. And in fact, astronauts have trained here. But this strange moonscape contains world class archaeological sites - places where artists for thousands of years have chipped their icons into the black stone.

Right next door is Cima Dome, a vast rounded dome covering 75 square miles and covered by this planet's largest Joshua Tree forest.

From the top of Cima Dome, surrounded by the huge curve of land and earth, one can view Kelso Dunes - the third highest sand dune system in North America. These dunes actually sing - a low hum when the wind blows from the right quarter. And by moonlight, they come alive with species of animals and insects found nowhere else on this planet.

Kelso Dunes are dominated by three sets of mountain ranges - the soaring limestone peaks of the Providence Range with their spectacular caverns, the picturesque and boulder strewn Granite Mountains, and the Kelso Mountains with the second largest herd of big horn sheep in

California.

The special places continue. The Mojave Road, an old cavalry route with remaining cavalry outposts, winds right through the proposed park.

California's finest Mojave Yucca forest snuggles into the Woods and Hackberry Mountains, with their spectacular, confection like escarpments.

Soda Lake, with its crunchy alkaline surface, whitely stretches to the small water holes that harbor the endangered Mojave Chub

Through Paiute Canyon pours the lovely stream waters of Paiute Creek, a very important wildlife and archaeological area.

Clark Mountain is the highest peak in the Mojave Desert and its peak shelters an unusual assemblage of White Fir trees, a relictual forest from the Pleistocene period.

The Mid-Hills region displays cacti of tremendous variety.

The Providence Mountains contain Southern California's most spectacular limestone caverns.

Hole-in-the-Wall is a spectacular, eroded hole in the tumbled geology of the area, and a favorite spot for desert visitors.

The list goes on: the New York Mountains with their special canyon refuges, the Desert Tortoise Core Population Area of the Ivanpah Valley, the sharp and jagged peaks of the Old Dad Mountains, the vast vistas of the Ward Valley....

Stuffed into one small corner of California are more diverse landscapes than a person could see almost anywhere else in these United States.

And they beckon!

I grew up in the Eastern United States - upstate New York mostly. I've canoed through the Adirondacks, hiked the Appalachian Trail, been thrilled by the brilliance of the fall colors.

But, somewhere, deep inside me lay a desert gene. This gene needed only the presence of a dry and stunning landscape to turn on. And now that I've come into contact with the Mojave Desert this desert gene is coming to dominate my life.

I have come to love this place, this awesome land, more deeply than the most inviting Vermont hillside in October. It is special. It is stunning. And it must be saved for those of us yet unborn who can be nurtured by this land.

It falls to this generation to make a decision - what shall be saved and what shall be lost. I have touched the heart of this quiet land, and its loss would be a tragedy for this nation.

Please save the gem of the Mojave Desert. Please create a Mojave National Park.

Brubaker-Mann, INC.
NATURAL COLORED CRUSHED ROCK

MINED AND MILLED IN BARSTOW, CALIF.
LARGE SELECTION OF NATURAL COLORS

30984 SOAP MINE ROAD • BARSTOW, CALIFORNIA 92311 • (619) 256-2520 (619) 256-8317

OFFICERS

President
William J. Mann

V.P. of Administration
Julia Mann Rohn

V.P. of Operations
Jennifer Henderson

Secretary and
Chief Financial Officer
Dorothy E. Mann

July 10, 1987

The Honorable Dale Bumpers, Chairman
Subcommittee on Public Lands, National Parks and Forests
Senate Energy and Natural Resources Committee
U.S. Senate
Room 308, Dirksen Senate Office Building
Washington, D.C. 20510

BILL: S. 7, California Desert Protection Act

POSITION: OPPOSE

Dear Senator Bumpers:

I would like to request that this letter of opposition be included in the hearing record. Brubaker-Mann Inc. is a specialty rock company which mines and mills naturally colored rock for roofing and landscaping. The reason our company is located in the California desert is because that is where the large variety of colored rock is found. We cannot move to another state if we are shut out of the California desert because the minerals are not located elsewhere.

We operate another company called R.D.M. Minerals, Inc. which deals in talc. In the United States, talc is found mainly along the Appalachian axis from Canada to South Carolina, and in irregular bodies in the folded rocks in the west. Most

deposits in the U.S. have small amounts of fibers such as asbestos and tremolite and traces of arsenic, and therefore cannot be used in the manufacture of cosmetics. We know of only two deposits in the U.S. which have fiber-free talc: one in Montana, and the other in the Saline Valley where we buy all of our material. The Saline Valley is to be included in the expanded Death Valley National Park which would eventually shut this operation down.

We gross approximately 1.2 million dollars per year from the colored rock business and approximately $250,000.00 per year from the talc business. These companies directly support 20 families and contribute to the support of many others who provide the trucking and other related services.

Last year Brubaker-Mann Inc. paid $51,804.00 in federal income taxes and $25,261.00 in state income taxes. R.D.M. Minerals paid $2,855.00 in federal income taxes and $2,024.00 in state income taxes. This does not include excise taxes, social security contributions, unemployment contributions or any other tax. The trickle-down effect is unknown but we have over 50 major distributors of our products in California, Nevada, and Arizona, and a major customer in Mexico.

No one with any intelligence should be fooled by the promise that this bill will not effect mining. It is the environmentalist goal to stop mining and they have included

a provision in the bill to invalidate existing mining claims.

Every civic, county, state, and federal representative from this area and the vast majority of the population is opposed to this ruinous bill. Having been born and raised here, the California desert is very dear to me. The current multiple-use system is a masterpiece in balancing use and protection. Please do not change it.

Sincerely,

Julie Mann Rohn

Julie Mann Rohn
V.P. of Administration

JMR:jr

TUSTIN
CHAMBER OF COMMERCE

To: United States Senate Committee on
Energy and Natural Resources
SD-364 Dirksen Senate Office Building
Washington DC 20510

Resolution in opposition to Senator Alan Cranston's S-7 to close portions of the Southern California desert.

Subject; Written testimony for official record Senate Bill-7, July 21 and 23, 1987.

RESOLUTION IN OPPOSITION TO SENATOR ALAN CRANSTON'S S-7 TO CLOSE VAST PORTIONS OF SOUTHERN CALIFORNIA DESERTS AND FORESTS TO SOCIETY.

After a careful review of this legislation and its general impact on society, we find this proposed legislation if enacted would have negative effects on the environment, quality of life, and severe economic impact on southern California and the nation's urban population.

We are gravely concerned that this legislation will:

(1) Destroy the existing California Desert Conservation Area Plan which is a model of conservation protection and multiple use. The wishes of the publice were incorporated through public workshops and the public hearing process with more than 9,000 citizens from all walks of life, in which generated 40,000 written comments and suggestions on the current protection/conservation plan of the area. S-7 totally ignores the citizens' participation and good will that went into that plan as well as the millions of tax dollars which were spent to produce and implement the plan. The plan is a carefully conceived compromise between preservation and wise-use conservation in 1980. The wildlands in the California desert are now managed in a very park-like manner. But the desert conservation area plan, originally drafed with the assistance

399 El Camino Real, Tustin, California 92680 (714) 544-5341

of the Western regional planning staff of the United States Park Service, wisely preserves the ranching, and rural character that make this area so attractive to visit. Since the plan is "not broken" and is working quite well, government should not try to "fix it"!

(2) The California desert is the most important source of raw mineral commodities supplying our manufacturing and construction industries which build and maintain Southern California. Millions of dollars in local, state and federal taxes and hundreds of thousands of jobs in urban California depend on the cement, wallboard, cosmetics raw materials, plastic, rubber and explosive additives, mineral fertilizers, detergent bases, fibreglass, pharmaceuticals, industrial chemicals, abrasives for sandpaper, cleansers and toothpastes, chemicals for smog control, and thousands of other uses. While some of these non-newable resources might be found in other parts of the world, the cost of transportation would tend to double or triple the cost, and hundreds of thousands of jobs and much of the local tax base could be exported overseas. The proponents of this legislation have publicly implied that there is little remaining mineral or energy potential in the California desert, but according to official state and federal resource agencies, it is one of the nation's most highly mineralized and productive mineral producing regions. In addition solar, wind and geothermal energy are just coming into importance in the desert. It generates in excess of ten billion dollars annually to the California economy. To sustain this productivity, extentions of existing deposits and new deposits must be found in the very areas that S-7 proposes to lock-up. The cost of building a new

(3)

TUSTIN
CHAMBER OF COMMERCE

home or doing business in California will surely increase if this poorly conceived legislation passes.

(3) S-7 would severely limit society's access to the nation's only known producing province of "rare earth lanthanides" within the proposed "Mojave National Park". This deposit produces about 97% of the western world's rare earth elements such as europium which activates yttrium to produce the red color in color television sets. But more importantly, according to Time magazine (The Superconductivity Revolution 5-11-87) and other published sources, these rare earth elements are the source of a quantum leap in technology that promise (A) practical pollution-free electric automobile which could reduce smog by up to 50% in American urban centers like the Los Angeles basin; (B) revolution in energy conservation by saving perhaps 20% of all electricity lost in power transmission lines; (C) create a break-through in bringing the world clean "fusion" energy and (D) a dramatic cost reduction in devices used for cancer detection making them more accessible to the average citizen. S-7 will leave the existing rare earth mine open to deplete its reserves but will lock up the known mineralized geologic environment favorable for new discoveries needed to convert society to this new technology. The only other known principal source of these high tech elements is in main land China!

For the above reasons, the Tustin Chamber of Commerce hereby opposes U.S. Senate Bill -7 as unnecessary, and negative towards environmental and quality of life issues.

TUSTIN CHAMBER OF COMMERCE

Frank P. Greinke

Frank P. Greinke, President

July 17, 1987

399 El Camino Real, Tustin, California 92680 (714) 544-5341

Del Norte Rebuts Park

Del Norte County's response to a Save-The-Redwoods-League proposal to make the Smith River Watershed a national park ironically coincided with Sen. Alan Cranston's introduction of legislation to expand wilderness acreage to the California desert.

"History has shown that establishment of another National Park in Del Norte County will create no economic benefit and in fact will result in a loss of local revenue, a loss of taxes, a loss in the number of employed and an indeterminable loss of future job opportunities," the county says in summary of its four-page detailed response to the proposal.

Of particular interest in light of the Cranston proposal is the local impact of the Redwood National Park established in 1966. At that time a federal consultant predicted the park would increase employment to 10,035 jobs by 1983, including a reduction in wood products employment.

"Though the anticipated reduction in timber related jobs came true, the number of (park) visitors has not," the county reports. "The Redwood National Park has yet to construct one improved campground on its lands. Currently we have only 6,200 employed in all employment sectors of the county..." The county's unemployment rate is more than double the national rate.

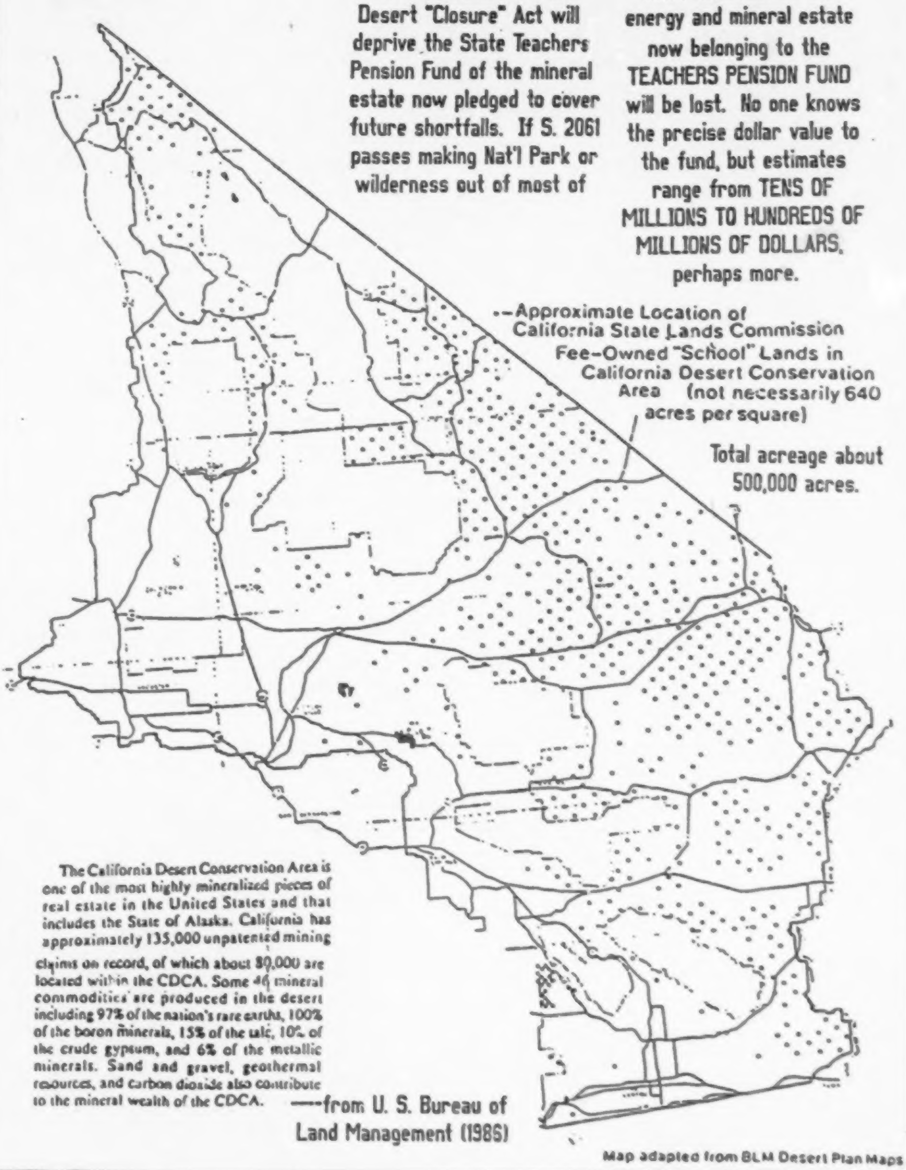
The area of the new proposal is more than 60 percent of the county. It generates 25 percent of the total taxation value and its share of Forest Service revenue disbursements is 10 percent of the school budget and 50 percent of the roads budget.

The county foresees a loss of direct employment in all segments of the local economy, including agriculture, timber products, mining, commercial recreational activities prohibited in a national park and the last major private employer, reducing the manufacturing segment of the labor force by more than 35 percent.

In addition economics, the report rebuts the League's argument that acquistion costs would be minimal, that logging destroys wildlife habitats, adversely affects water quality and detracts from the scenic values of the Smith River.

S.-7

TEACHERS TO LOSE PENSION FUND SECURITY. CRANSTON'S S.-7 the Desert "Closure" Act will deprive the State Teachers Pension Fund of the mineral estate now pledged to cover future shortfalls. If S. 2061 passes making Nat'l Park or wilderness out of most of the remaining public land in the California desert more than half of the energy and mineral estate now belonging to the TEACHERS PENSION FUND will be lost. No one knows the precise dollar value to the fund, but estimates range from TENS OF MILLIONS TO HUNDREDS OF MILLIONS OF DOLLARS, perhaps more.



--Approximate Location of California State Lands Commission Fee-Owned "School" Lands in California Desert Conservation Area (not necessarily 640 acres per square)

Total acreage about 500,000 acres.

The California Desert Conservation Area is one of the most highly mineralized pieces of real estate in the United States and that includes the State of Alaska. California has approximately 135,000 unpatented mining claims on record, of which about 80,000 are located within the CDCA. Some 46 mineral commodities are produced in the desert including 97% of the nation's rare earths, 100% of the boron minerals, 15% of the talc, 10% of the crude gypsum, and 6% of the metallic minerals. Sand and gravel, geothermal resources, and carbon dioxide also contribute to the mineral wealth of the CDCA. ----from U. S. Bureau of Land Management (1986)

Map adapted from BLM Desert Plan Maps

Superconductor future heats up with discovery

Higher temperatures to widen applications

New York Times

NEW YORK — Pushing past the milestones of the past two months, scientists Friday reported the loss of electrical resistance in new materials at the temperature of ordinary dry ice, far warmer than ever before.

A University of Houston physicist presented data to science officials in Washington showing evidence of superconductivity at 54 degrees below zero Fahrenheit, an improvement of more than 100 degrees.

The results bring the promise of a host of applications in electricity and magnetism. For example, the higher temperatures make more feasible power lines made of superconductors, and giant magnet coils that could store electricity for use in off-peak periods.

"It shows that all of the dreams we have had can come true," said Arthur J. Freeman, a theorist at Northwestern University who has followed the recent developments.

Superconductors carry current with perfect efficiency, unlike ordinary wires and electronic circuits, which lose a portion of their energy in the form of heat. They also have been found capable of creating magnets of unparalleled strength. These properties raise the prospect of a new generation of high-speed computers, magnetic devices, electric generators and many other applications.

The latest results, including data from tests last week at the National Magnet Laboratory in Cambridge, Mass., were described by Ching-Wu Chu of the University of Houston as part of a presentation to the National Science Board, the governing board of the National Science Foundation.

Although Chu said that his samples remain hard to stabilize and reproduce, physicists called his data the strongest confirmation to date of hints that have tantalized experimenters at several laboratories. Chu said that four different compounds seem to behave in the same way, and he described tentative indications that another material began losing resistance at room temperature.

Scientists already numbed by a rapid sequence of startling developments this year said the new report brought superconductivity across an important threshold. "I think it's wonderful," said Marvin Cohen of the University of California, Berkeley. "Now you're at the point that I call a cold day in Alaska."

Until recently, superconductivity was an obscure phenomenon of quantum physics, existing only at the most extreme cold temperatures and thus suitable only to applications that could justify the expense of cooling with liquid helium.

A longstanding barrier fell late last year with a discovery by two International Business Machines scientists in Zurich. After more than a decade with no improvement in the temperature of metal superconductors, they found a kind of ceramic — a copper oxide doped with two other elements — that lost all electrical resistance at 35 kelvins, or 396 degrees below zero Fahrenheit.

In January, Chu and his colleagues discovered an even warmer superconductor, a copper oxide with the elements yttrium and barium, pushing the temperature up to 98 kelvins. That substance, along with a group of related substances discovered in the weeks that followed, opened the way to a multitude of applications that could be cooled relatively cheaply with liquid nitrogen.

In impure samples of the material, Chu's group and several others detected hints of another substance — believed to be a different molecular arrangement of the same atoms — that lost its resistance at a much higher temperature. Researchers at Wayne State University reported electrical measurements that suggested true superconductivity, but the signals remained hard to confirm.

The materials showing signs of superconductivity at or near room temperature have so far remained more elusive. They show up in impure samples, making it hard even to determine their composition. And physicists worry that some promising measurements may turn out to be false alarms.

The Orange County Register Saturday, May 23, 1987

Editorial

Cranston Reintroduces Version Of "California Desert Protection Act"

When Congress convened on Tuesday, January 6, 1987, Senator Alan Cranston wasted no time in introducing a slightly different version of his "California Desert Protection Act" that he had originally introduced last February (see feature story page 44, November, 1986 *CMJ*). When the controversial bill was last introduced it remained dormant in the Republican-dominated Senate. Now, with Democrats a majority in both houses of Congress and Cranston restored to the influential position of Senate majority whip, he's making desert preservation a top priority. The new bill is SB-7.

Cranston's bill is disastrous for mining interests as well as most other desert land users. It's provisions include:

* Creating Mojave National Park on 1.6 million acres of desert, most of which is now administered by the Bureau of Land Management as multiple use. Responsibility for administration would transfer to the National Park Service. No new mining claims would be allowed and those existing (10,000) would be reviewed. Off-road vehicles would be sharply limited.

* Death Valley and Joshua Tree National Monuments would become national parks and expand by one-third each. 415,000 acres of public lands would annex to Death Valley and more than 400,000 acres would be added to Joshua Tree—most of it land that Congress removed in the 1950s to encourage mining.

* Eighty-one new wilderness areas covering 4.5 million acres would be established, stretching from east of Bishop to Mexico. These areas would also be closed to vehicles.

Congressman Mel Levine, 27th District, introduced a very similar bill (HR-371) in the House on January 6th.

Department of Interior Secretary Donald Hodel has publicly stated he believes the management, protection and use of the public lands in the California Desert are best served by the provisions of the existing California Desert Plan. The existing plan allows multiple land uses which provide good ecosystem balance and protection to special areas.

According to Bureau of Land Management reports, California produced 2.2 billion dollars worth of non-fuel minerals in 1985 and about $1.2 billion of this came from the California Desert. BLM further indicates that "The California Desert should be an even more important source of the mineral commodities that will aid the economy of California and the nation."

It is common knowledge that environmental groups have Senator Cranston's ear and they are embarked on a crusade to lock up the desert from all but the horned toad and maybe a few sunstroked back packers. They don't seem to understand or care that these bills will be locking up billions of dollars of minerals making this country even more dependent upon foreign sources. They don't care that the proposed Mojave Park is the location of 10,000 mining claims. They don't care about rockhounders, ORV users, hunters, ranchers' grazing rights, and the myriad of other multiple uses that would go by the boards. These elitists want to expand their own playgrounds even if they don't use them.

For the miner and other advocates of multiple use for our public lands—it's time to fish or cut bait! ☐

Hi-Way Herald July, 1987

THROUGH OUR WINDSHIELD

Access to California Desert May be Restricted

by Susan Bray
Executive Director

To some RVers, driving across the California desert is often a long, lonely route to the beaches of Southern California, the nightlife of Las Vegas or the most direct highway to vacation activities in Arizona and Colorado. At some point along the way, many RV travelers may wish they were in a plane, flying high over this barren stretch of land, enjoying a movie, or at least, eating some airline food.

At first glance, the desert doesn't seem friendly, but it's certainly not friendless. Hundreds of thousands of people have found that beneath its rough exterior, the desert contains some fascinating plants and animals, and a wealth of recreational opportunities to enjoy—from the isolation of camping, to watching beautiful sunsets, hiking, or offroading up and down the gigantic dunes without the crowds and regulations of organized parks and forests.

But now there's the possibility that the California desert, as we know it, may be taken away from us. With the backing of many leading environmentalists, Sen. Alan Cranston, D-Calif., has introduced S.B. 7 before the U.S. Senate. If the bill passes, approximately 8 million of the desert's 11 million acres will be declared wilderness areas—off-limits to anyone but the hardiest souls who might hike into those areas.

Recently, citizens representing the many users and friends of the California desert—motorcyclists, bicyclists, naturalists, offroaders, hikers, land yachters, horseback riders, and of course, Good Sam Club RVers, met with the Secretary of the Interior Don Hodel in a forum to let him know how they felt about losing this public playground. It was evident that the desert is enjoyed and used by many people with diverse interests, and through this use, these folks have gained an understanding and appreciation for the desert so that they are concerned about its future use and preservation.

Instead of developing into the classic confrontation of environmentalists vs. offroaders, this issue is being debated between those who care about saving the desert but also want to use and enjoy it, and those who care about saving the desert by greatly restricting its access and use.

These friends of the desert voiced their concerns about its future and its use to the secretary. They presented many concrete examples of how various groups of people, on a voluntary basis, are cleaning up trails, posting signs, building fences and serving as campground hosts. In short, they represented a group of citizens who want to be responsible for the land they enjoy and use.

Nowhere is there such a large amount of land which allows so many people varied and free activities as the California desert. With 11 million acres, there is room for people to camp, take photographs, ride bikes, observe wildlife, offroad, ride horses, and hike without having to follow directions to marked trails, make reservations and schedule activities, as we so often do today.

California's other Senator, Pete Wilson, has not yet taken a stand on S.B.7. After reading more about it on page 6 of this issue of *Hi-Way Herald*, we urge you to write to Sen. Wilson at SH-720 Hart Senate Office Building, Washington, D.C. 20510-0502. Let him know how you feel about the California desert, and what you think is his responsibility, to preserve it for all to use.

moderate use land with a balance between higher intensity use and protection while allowing for a variety of uses (including mining, grazing, recreation and mineral and energy development) and 500,000 acres of intensive use land.

Cranston's bill would change the multiple use concept of this important plan, setting aside vast stretches of land into wilderness areas accessible by only a tiny minority of those who enjoy the benefits the desert has to offer. It also would close off land to future mineral and energy development, creating even further problems for RVers when our current energy supplies begin to dwindle.

Cranston's plan would establish three national parks taken from BLM land. This would be accomplished by expanding the present 2 million-acre Death Valley National Monument into a 3.4 million-acre park, expanding the existing 560,000-acre Joshua Tree National Monument into an 805,000-acre national park and by establishing a new national park from land currently designated as the East Mojave National Scenic Area.

Between these designations and the 8.8 million acres of wilderness called for in the bill, those who enjoy the freedom the desert has to offer would lose it.

By his own admission, Cranston acknowledges that he is no expert on the desert, and that he is relying on environmentalists for information. But in Cranston, extremists have a strong voice.

Most Americans want to see our land preserved and protected. The 1980 California Desert Plan resulted from the abuse that a few were imposing on the desert. Today, with proper supervision, these abuses have been largely curtailed through the multiple use concept; plenty of space has been provided for everyone's needs, including those who want the ultimate wilderness experience where vehicles are not allowed to travel.

Because Americans want their land preserved, there is the danger that they are going to listen to these extremists who are asking not for preservation, with proper management, but complete closures. It's a disturbing trend that could lead to even more restrictions in other areas of the country.

There's also the subject of financial impact. The cost of establishing and administering the three new national parks has not been discussed by those supporting Senate Bill 7. There also would be a loss of revenue from ranchers, miners and others who lease the land for managed use.

The Good Sam Club, the American Recreational Coalition and other groups in favor of multiple use of the land are strongly opposed to this bill. The Club is calling for support in seeing this bill defeated.

INYO REGISTER– FRIDAY, June 5, 1987

BLM: Cranston plan could halt mineral exploration

by Linda Katzenstein

INYO COUNTY — The state director of the Bureau of Land Management believes Sen. Alan Cranston's controversial Desert Protection Act of 1986 may halt exploration for minerals vital to new energy technologies.

BLM Director Ed Hastey said that all of the 11 rare metals thought by superconductor researchers to hold the most promise for this new energy technology are found in the California desert.

Cranston's proposed legislation would designate close to 8 million acres of new national parks and wilderness in the desert. Death Valley National Monument would be upgraded to national park status, and about 853,000 acres in Inyo County would be classified as wilderness.

"There are 12 million acres of BLM lands now essentially open to multiple use," Hastey said. "Putting 8 million acres either into park or wilderness designations closes two thirds of those lands to exploration or development."

Once desert lands are classified at wilderness or national park status, no new claims would be allowed, Hastey said.

"There would be no new ones allowed, and if a person had a valid claim, the government would have the option of buying them out or not allowing them to mine it," Hastey explained. "If it was inside a park, it would probably be bought out because it would be against the park mission.

"It's a guessing game, trying to find mineral deposits," Hastey continued. "If those lands are unavailable for exploration, that eliminates the potential for development."

Hastey said that the California desert, one of the most promising geologic areas in the country, currently produces 97 percent of the nation's supply of minerals that are vital to superconductor researchers.

Superconducting metals are capable of transmitting electric current much more efficiently and without the normal waste associated with metals now used for transmission lines, Hastey explained.

"Certain minerals, by making them into ceramics, can reduce resistance in transmitting electricity to zero," Hastey said. "Right now, when transmitting electricity through power lines, 15 percent to 50 percent of the power is lost. If we could eliminate that loss, we would increase the effectiveness and eliminate the need for transmission stations."

Hastey said the new technology also holds promise in the computer field, and potentially could result in the design of smaller, more efficient computers. Storage of electricity in special ceramic "loops" may also be possible due to the lack of heat and energy loss.

"This is an enormous electronic breakthrough in the U.S. that the Japanese are very interested in," Hastey said. "It's probably a quantum leap for the area of electronics."

Hastey said these facts underscore the importance of the California desert minerals, not only to the state and its economy, but also to the nation.

"Of the 65 mineral commodities known to occur in the desert, 37 are considered strategic and critical to the country," Hastey said. He explained that strategic and critical minerals are those needed to supply the military, industrial, and essential civilian needs of the country during a national emergency and are not produced in sufficient quantities to meet such needs.

The desert, despite its potential and considerable current production, has not been extensively explored for minerals, according to Hastey.

"Many areas hold geologic

(Continued on page 2)

Supervisors feel Cranston bill would prevent mining development

by Linda Katzenstein

INYO COUNTY — The Inyo County Board of Supervisors are but one of thirteen California county boards which have passed resolutions in opposition to Sen. Alan Cranston's Desert Protection Act of 1986.

Supervisor Keith Bright said the Inyo board passed their resolution in March because Cranston's bill would close the desert off to the variety of uses now allowed under the jurisdiction of the Bureau of Land Management, including exploration for valuable minerals.

Cranston's proposal, if passed, would classify 81 areas totaling 4.3 million acres, as wilderness. This total would include approximately 853,000 acres in Inyo County.

The proposal would also upgrade Death Valley and Joshua Tree National Monuments to National Parks and expand their boundaries, and establish Joshua Tree National Monument.

Continued on page 3

Cranston's desert

Perhaps it would be a fitting monument to Alan Cranston's Senate career: an untouchable 8.8-million-acre desert that would leave some of the country's most valuable resources beyond the reach of anyone who could benefit from them. What better way to illustrate a monumental misuse of "public lands"?

At issue is Cranston's desert-conservation bill, which would add 4.3 million acres of California wilderness, now managed by the federal Bureau of Land Management, to the 4.5 million acres of wilderness in the state now run by the National Park Service.

There's a world of difference between the two government agencies. The Bureau of Land Management allows its lands to remain in use, granting grazing permits to ranchers and mineral leases to miners. Park Service land is for show only.

If the bill passes — Cranston claims it is his top priority for this congressional session — more than 14,000 square miles in seven California counties would be taken out of productive use. The senator says the aim reflects "Californians' determination to protect the beauties of our state," but the total area would be equivalent to the combined size of Connecticut, Massachusetts, and Rhode Island.

When is enough enough? Now.

Nearly 96 percent of the country's strategic mineral supply comes from the California desert, where 46 different mineral commodities — titanium, molybdenum, chorium, boron, etc. — are mined or produced on a regular basis. If Cranston succeeds in nearly doubling the amount of productive land held in unproductive hands, the strains on several industries could be severe.

For what benefit? To allow backpackers even more trails? The plan would more than double the size of Death Valley National Monument and increase the size of Joshua Tree National Monument and Red Rock Canyon State Park. These wilderness areas are hardly overcrowded as it is. They don't need to be expanded.

According to the state Chamber of Commerce, Cranston's plan "locks up an unreasonable and excessive amount of acreage. By doing so, it will intensify demands on lands outside the designated areas (and) severely limit future flexibility for (development of) water, gas, oil and electricity."

California's deserts are indeed beautiful, but that beauty is more than skin-deep. It includes the benefits derived from the thoughtful use of nature's resources. Putting increasing amounts of land out of production is as much a misuse as the overmining and overgrazing so feared by the environmentalists. Everyone would be better served if the Cranston bill were taken out of production instead.

Statement of Thomas Oliver

for

Public Lands, National Parks and Forests Subcommittee,
Senate Environment and National Resources Committee

on

S.7 The California Desert Protection Act

7/23/87

Mr. chairman & members of the committee, my name is Thomas Oliver. My home is in San Francisco. Although I live a long way from the desert, this issue is very important to me and I am grateful that the committee has taken it under consideration.

Senator Cranston is to be commended on the care he has taken in the construction of this bill. It is carefully written to address the concerns of all of the desert's uses and completes the long process of management policy development for the California desert region. Eighty-one wilderness areas and three National Parks would be established by the bill, setting aside the most delicate resources of the area, and releasing others for commercial development.

The natural areas in this bill are very important to me. The vast beauty and isolation of these areas offer an important respite from urban congestion and pollution. The desert has a unique attraction for those, like myself, who appreciate its timelessness, its silence and its sweeping grandeur. For me and many people from all over California and America, the California deserts are a place of renewal. The region inspires a reflective quality unlike forest and mountain and coastal wilderness areas in California. This special quality of this place has been recognized for hundreds of years. Indian hieroglyphics and giant ground figures of spiritual significance can be found in areas throughout the region. There is more Indian rock art in the California desert region than in any other place in North America. This desert is one of America's greatest spiritual resources, a place of respite and rejuvenation. Physically parched, it is an oasis of serenity where a visitor may drink long and deep.

As our population grows, the need to protect these lands becomes more and more urgent. We live closer together than ever before. As urban areas become increasingly dense we need the open space that the desert offers as a place to escape from the pressures and concerns of everyday life. The desert is a retreat where perspective may be regained These natural areas are at once dramatic and subtle, vast and intimate. The web of life lies across the vast landscape like a delicate lace. Here is a place to become reaquainted with the rhythms of earth and sky, day and night, sun and star, eagle and hare.

But this awesome land which seems beyond the ravages of mankind is actually very fragile. Urbanization and abuse of the desert threaten to destroy it. Every year more and more desert resources are seriously damaged or even destoyed because the Bureau of Land Management has not properly controlled recreation and commercial development. Urban developments creep progressively further and further into the desert region. Visitors, not taking the time to understand the desert, ride off-road vehicles pell-mell, tearing open the fragile soil of the desert, killing plants and animals. Roads have been built into Wilderness Study Areas bringing with them trash, degradation and the threat of further development. Valuable archeological artifacts have been stolen, damaged and destoyed. In short, the desert is quickly becoming the wasteland for which it was first mistaken.

Opponents to this bill claim that it will lock up the desert for a few backpackers. This is not true. Ample provisions have been made for diverse uses of the desert. Completely unaffected are transportation and utility corridors vital to the health of metropolitan Southern California. All of the special areas which have been set aside for off road vehicle use would remain open, and many others may be opened outside of designated wilderness and park areas as the Bureau of Land Management sees fit. All known economically recoverable reserves of rare earths would remain open to mining.

Inside the wilderness areas, hunting and grazing would continue, and the small amount of grazing which now occurs in what would become national parks would be phased out gradually over a ten year period. By definition, no roads are included in wilderness areas, and so none would be closed by the bill. Further, since many of the wilderness areas are bound by roads, or have "cherry-stem" roads reaching into their interiors, every part of all of the proposed wilderness areas are within three miles of a road.

I urge you to support the legislation as proposed and recommend that it be reported as such. This bill is the result of a long and arduous process of public debate and represents the best resolution of conflicting pressures on the California desert region. Without the protection this bill offers, there soon may be little left to preserve. Thank you for your time and effort in considering this important legislation.

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